FEDERAL REGISTER

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Washington, Friday, January 28, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10030

ADMINISTRATION AND SUPERVISION OF THE DISTRICT OF COLUMBIA NATIONAL GUARD

By virtue of the authority vested in me by the Constitution and the laws of the United States, particularly section 6 of the act of March 1, 1889, 25 Stat. 773 (39 D. C. Code 112) and section 118 of the act of June 3, 1916, 39 Stat. 213 (32 U. S. C. 17), it is hereby ordered as follows:

1. The Secretary of Defense is authorized and directed to supervise and control, on behalf of the President and through such official or officials of the National Military Establishment as the said Secretary shall designate, the administration of the affairs of the District of Columbia National Guard: *Provided,* that the foregoing provision shall not be effective whenever the said National Guard is in active Federal service or on active emergency duty in the District of Columbia after being ordered to such duty pursuant to law.

2. The Secretary of Defense shall at such times as may be appropriate submit to the President recommendations with respect to the appointment of the Commanding General and the Adjutant General of the said National Guard.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 26, 1949.

[F. R. Doc. 49-717; Filed, Jan. 26, 1949; 12:53 p. m.]

EXECUTIVE ORDER 10031

SEPARATION OF OFFICERS OF THE PUBLIC HEALTH SERVICE ON GROUNDS OF DISLOYALTY

By virtue of the authority vested in me by section 215 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 690) and as President of the United States, I hereby amend the regulations relating to commissioned officers and employees of the Public Health Service prescribed by Executive Order No. 9993 of August 31, 1948 (13 F. R. 5093), as portions of Chapter I, Title 42, Code of Federal Regulations:

1. The table of contents of the said regulations is amended by adding the following to Subpart H of Part 21. "§ 21.155 *Separation on grounds of disloyalty.*"

2. Subpart H of Part 21 of the said regulations is amended by adding thereto the following new section:

§ 21.155 *Separation on grounds of disloyalty.* The loyalty to the Government of the United States of commissioned officers of the Service shall be subject to investigation, review, and determination in accordance with the provisions of Executive Order No. 9835 of March 21, 1947, entitled "Prescribing Procedures for the Administration of an Employees Loyalty Program in the Executive Branch of the Government." If the Administrator finds, in accordance with the standards and procedures prescribed by, or adopted pursuant to, the said Executive Order No. 9835 (including those relating to the right of appeal to the Loyalty Review Board for an advisory recommendation) that reasonable grounds exist for a belief that an officer of the Service is disloyal to the Government of the United States, such officer shall be separated from the Service. (Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

HARRY S. TRUMAN

THE WHITE HOUSE,
January 26, 1949.

[F. R. Doc. 49-735; Filed, Jan. 27, 1949; 11:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-137]

PART 238—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES AUTHORIZING INTERSTATE AND OVERSEAS AIR TRANSPORTATION; PROVISIONS AS TO SCHEDULED STOPS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of January 1949.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Section 238.3 (f) of the Economic Regulations authorizes air carriers holding certificates of public convenience and necessity to make certain scheduled stops not in excess of 45 minutes on any flight if the origination or termination of such flight at a point is prohibited by any restriction in the air carrier's certificate. This restriction makes no distinction between passenger and cargo carrying flights.

It is the purpose of the present amendment to distinguish between the two types of flights and to authorize the scheduling of 2 hour stops for all cargo flights at non-terminal points on routes. The present 45 minute stop restriction is continued with respect to passenger operations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter submitted.

In consideration of the foregoing, the Board hereby amends § 238.3 of the Economic Regulations (14 CFR § 238.3) *Terms, conditions and limitations of certificates authorizing interstate and*

overseas air transportation, as follows, effective February 25, 1949:

1. By amending paragraph (f) (1) thereof to read as follows:

(f) *Provisions as to scheduled stops.* (1) With respect to a flight carrying any passengers in addition to the crew members, a scheduled stop at a point within the continental United States shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(2) With respect to a flight carrying only property or mail in addition to the crew members, a scheduled stop at a point within the continental United States shall not be scheduled to exceed 2 hours on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

2. By renumbering the existing paragraph (f) (2) to (f) (3)

(Sec. 205 (a) 401 (f), 52 Stat. 984, 988; 49 U. S. C. 425, 481)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 49-644; Filed, Jan. 27, 1949; 8:48 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

ABSENTEES AND DESERTERS

Section 536.30 is hereby amended by changing paragraph (a) and adding a new paragraph (f) to read as follows:

§ 536.30 *Apprehension—(a) Military personnel.* All military personnel are authorized to arrest absentees and deserters except as referred to in paragraph (f) of this section.

* * * * *

(f) *Cases when statute of limitations applicable.* Individuals who deserted the service from the Regular Army during the Spanish American War, who deserted the service during Wold War I, or peacetime deserters, in whose cases the statute of limitations is applicable, will not be apprehended.

[C4, AR 615-300] (R. S. 161, 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL, *Major General, The Adjutant General.*

[F. R. Doc. 49-650; Filed, Jan. 27, 1949; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. Section 21.467 is added to Part 21 to read as follows:

§ 21.467 *Definition of "customary cost of tuition."* (a) The term "customary cost of tuition," as employed in paragraph 5, Part VIII, Veterans Regulations No. 1 (a) as amended, for the purpose of administering the education and training program provided by said Part VIII, is regarded as that charge which an educational or training institution requires a nonveteran enrollee similarly circumstanced to pay as and for tuition for a course, except that the institution is not regarded as having a "customary cost of tuition" for the course or courses in question in the following circumstances:

(1) Where the majority of the enrollment of the educational and training institution in the course in question consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) and,

(2) One of the following conditions prevails:

(i) The institution has been established subsequent to June 22, 1944;

(ii) The institution although established prior to June 22, 1944, has not been in continuous operation since that date;

(iii) The institution although established prior to June 22, 1944, has subsequently increased its total tuition charges for the course to all students more than 25 percent;

(iv) The course was not provided for nonveteran students by the institution prior to June 22, 1944, although the institution itself was established before June 22, 1944.

(b) Educational institutions of higher learning which are nonprofit institutions as defined in § 21.468, shall not be subject to the provisions of paragraph (a) of this section.

(c) Except for institutions of higher learning as provided in paragraph (b) of this section, the payment by the Veterans' Administration of the customary cost of tuition or fair and reasonable compensation, whichever is applicable, shall only be made under the provisions of § 21.570.

2. Section 21.468 is amended as follows:

§ 21.468 *Definition of nonprofit institution.* Except as hereinafter provided, an educational or training institution offering courses of vocational rehabilitation training under Part VII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12) or education and training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), for the purpose of applying the governing statutes and applicable regulations of the Veterans' Administration respecting the payment of tuition and other charges, is regarded as a nonprofit institution if it is exempt from taxation under the following provisions of paragraph (6) section 101, of the Internal Revenue Code (52 Stat. 480, 26 U. S. C. 101 (6))

Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

In addition to the foregoing, effective March 1, 1949, no educational or training institution will be regarded by the Veterans' Administration as a nonprofit institution if either of the following conditions prevails:

(a) The status as a nonprofit institution was first certified by the Bureau of Internal Revenue on a date subsequent to June 22, 1944, and the institution is not operated as a public tax supported, or religious or charitable corporation or agency or under the control of a public tax supported, or religious or charitable corporation or agency.

(b) The institution, or any part of an institution (any part refers to all courses provided at one time by a separate profit entity subsequently absorbed by a nonprofit institution) at any time subsequent to June 22, 1944, was operated or chartered for operation as a profit institution.

3. Paragraph (b) of § 21.471 is amended as follows:

§ 21.471 *Tuition payments to nonprofit schools for courses of 30 weeks or more.* * * *

(b) Managers are authorized to pay tuition to nonprofit schools for eligible veterans enrolled therein for courses of 30 weeks or more, subject to the limitations contained in the regulations of this subpart including the limitation applicable for institutions whose claimed customary tuition is affected under the provisions of § 21.467 for which fair and reasonable compensation will be determined under the provisions of § 21.530, on any one of four alternative bases as follows:

Alternative 1. Customary charges. (See above.)

Alternative 2. As much as $15 per month, $45 per quarter, or $60 per semester in lieu of but not in addition to customary tuition, provided such rates do not exceed the estimated cost of teaching personnel and supplies for instruction.

Alternative 3. Nonresident tuition for all veterans in lieu of but not in addition to customary tuition: *Provided,* That the amount of the nonresident tuition does not exceed the estimated cost of teaching personnel and supplies for instruction: *And provided further,* That the charges are not in conflict with existing State laws or other legal requirements.

Alternative 4. Tuition based on the estimated cost of teaching personnel and supplies for instruction computed in accordance with the formula set forth in § 21.531.

* * * * *

4. Section 21.472 is amended as follows:

§ 21.472. *Alternative 1, tuition on the basis of customary charges.* Payment will be made for tuition customarily charged to other students pursuing the same or comparable courses, as set forth in the published catalogues or bulletins of the school or college, subject to the limitations contained in the regulations in this subpart including the limitation applicable for institutions whose claimed customary tuition is affected under the provisions of § 21.467 for which fair and reasonable compensation will be determined under the provisions of § 21.530. In the event an institution does not publish a bulletin, a responsible official of the institution will individually certify to the manager of the regional office within whose territory the institution is located the customary tuition charges for the courses offered.

5. Section 21.484 is amended as follows:

§ 21.484 *Definition of profit institution or other than nonprofit institution.* An educational or training institution offering courses of vocational rehabilitation training under Part VII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12) or education and training under Part VIII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12) shall, for the purpose of applying the governing statutes and applicable regulations of the Veterans' Administration respecting the payment of tuition and other charges, be regarded as a profit institution or other than nonprofit institution if it is either an institution which has not been recognized by the Bureau of Internal Revenue as a nonprofit institution or an institution which is not a nonprofit institution as defined in § 21.468.

6. Paragraph (a) and the introductory text to paragraph (b) of § 21.530 are amended as follows:

§ 21.530 *Determination of fair and reasonable compensation*—(a) *Nonprofit institutions.* The provisions of this paragraph are applicable to nonprofit institutions as defined in § 21.468 where a fair and reasonable rate determination is required for nonprofit institutions, as in the case of courses of less than 30 weeks where the charge exceeds the rate of $500 for a full-time course for an ordinary school year, or as in the case of trade and vocational or other courses of less than 30 weeks or 30 weeks or more where there is no "customary cost of tuition" as defined in § 21.467. The provisions of this paragraph are not applicable to adjusted tuition under the provisions of §§ 21.473, 21.474, and 21.475.

(1) *Submission of financial statement.* The determination of fair and reasonable compensation by the manager will require the submission by the nonprofit educational institution of a detailed, certified financial statement, including the actual cost experience accumulated during the most recent period whether or not under contract. In case of new courses for which no actual cost experience is available, estimated costs may be submitted. These financial statements are exempt from a reports control symbol, and have been assigned Budget Bureau approval number 76–R175, expiring January 1, 1950. Such financial statements shall include:

(i) The number of students (veteran and nonveteran) enrolled in the institution in each course or courses in question during the period covered by the cost data, and the number of student months or student hours of instruction which were provided during such period.

(ii) The total income received or due from the Veterans' Administration as payment for veteran training in each course in question during the period covered by the cost data; and a separate statement of income received or due from other sources for each course or courses in question during the same period, such as tuition from nonveterans.

(iii) The basis on which teaching salaries and other expenses have been allocated for each course involved.

(2) *Statement of cost data required.* The financial statement submitted will also include cost data on the following items of expense, which within the limits designated, will be used for the determination of fair and reasonable compensation:

(i) *Actual cost of teaching and related personnel at reasonable salaries.* Teaching and related personnel will include personnel essential to the teaching function such as laboratory supply room attendants and clerical personnel assisting teachers in the preparation of instructional material and records. The salaries of personnel serving both in administrative and teaching functions will be prorated accordingly. The cost shown for teaching personnel will be supported by a schedule listing the name, title, and annual salary rate and will show whether employment is part- or full-time for each person included in such cost.

(ii) *Travel expenses for instructors.* Such expense will be limited to mileage for use of personal cars at a rate not to exceed the established mileage rate customarily paid by the institution or provided by state law or regulation but not more than 7 cents per mile. The allowance of travel expense for instructors will be limited to courses requiring itinerant instructors and the mileage will be limited to travel actually required to be performed by the itinerant instructor in connection with the training program.

(iii) *Consumable classroom instructional supplies.* This item will include the cost of instructional supplies and teaching aids which are actually consumed during the process of instruction and which are required for all students.

(iv) *Textbooks.* This item will include required textbooks, etc., where such items are customarily furnished to all students at no additional charge to the student and the cost thereof is included in the monthly tuition rate. If separate charges are customarily made by the institution to all students for text and other books, no cost will be shown for this item, but provision will be made in the contract to pay for such required text and other books at prices customarily charged to other students or, in the event there are no nonveteran students, at cost to the institution in accordance with § 21.539 (e) (6)

(v) *Building operation and maintenance, depreciation and rent.* Allowable cost will include the proper pro rata portion of depreciation on instructional equipment, heat, light, power, water, janitor service, building maintenance, rent of non-publicly owned facilities, and insurance for classroom and laboratory space; such costs may be allocated to courses in question on the basis of the time the classrooms are used for these courses in relation to the full-time use of such classrooms and laboratories.

(vi) *Allowance for administration and supervision.* An allowance is made to cover the cost of supervisory, administrative, and clerical personnel and the cost of consumable office supplies and other expenses for administrative and supervisory offices and including where applicable, the related expenses of the state agency responsible for conducting these courses. An amount not in excess of 5 percent of the cost of items in subdivisions (i) through (v) of this subparagraph may be included to cover these costs without detailed justification. However, if the institution requests more than a 5 percent allowance for administration and supervision, the manager is authorized to include in the fair and reasonable cost, such amount in excess of 5 percent as may be justified as reasonable and necessary to conduct a satisfactory program: *Provided,* That in no case will administrative and supervisory costs in excess of 15 percent of items in subdivisions (i) through (v) of this subparagraph be included in the fair and reasonable justification except on prior approval of the assistant administrator for vocational rehabilitation and education. Any request for an amount in excess of 5 percent for administration and supervision must be supported by a detailed schedule of the cost of the items included.

(vii) *Advertising expense.* Advertising expense will be calculated in accordance with the procedure set forth in paragraph (b) (8) of this section, not to exceed the limitations prescribed therein, provided that for the purpose of this subdivision, the reference in paragraph (b) (8) of this section to profit institutions shall be considered as nonprofit institutions.

(viii) *Sales commission and promotional plans.* Expenses for sales commission and promotional plans will not be allowed.

(3) *Exclusion of salaries paid from Federal funds.* In computing fair and reasonable compensation, there shall be excluded from the costs all salaries paid from matching State-Federal appropriations such as the Smith-Hughes and George-Deen appropriation, and the certification of the appropriate official of the institution on the cost data must include a statement that no part of the salaries or other expenses which were or are to be paid from such funds is included.

(4) *Review and adjustment of contract rates.* Contracts under the provisions of this paragraph for training of veterans shall be made for a period not to exceed 12 months. In negotiating new contracts or for the renewal of contracts, consideration will be given to any surpluses or deficits accumulated or incurred as a result of the payment of the agreed rates in excess of or less than the amount spent on the program by the institution and the agreed rate for the succeeding contract period will be adjusted to make due allowance for surpluses accumulated or deficits incurred.

(5) *Short term renewal of contract.* If at the expiration of the contract period the institution is not in a position to submit substantiating cost data for a new contract to be negotiated in accordance with the regulations in this part, the contract may be renewed for such period of time as is necessary at the same effective rate of tuition in existence: *Provided,* That the additional time needed should not be more than 3 months and provided further that for this purpose contracts may be renewed for a maximum period of 4 months. Such an arrangement will give the institution time to prepare cost data needed for the determination of a fair and reasonable rate to be paid for the next contract period: *Provided however* That when the final rate is agreed upon for the succeeding contract period after taking into account any surplus or deficit, the renewal agreement will be superseded as of the expiration date of the original contract by the new contract providing for the new agreed rate.

(b) *Other than nonprofit institutions.* Fair and reasonable compensation for schools operated for profit will not exceed the actual or estimated costs to the institution for providing the instruction plus an allowance for profit as indicated below. The determination of fair and reasonable compensation by the manager, will require the submission by the educational or training institution of detailed, certified financial statements showing the most recent actual cost experience of the institution for the specific courses involved, including cost data on the items of expense which will be used for determination of fair and reasonable compensation, the basis on which teaching salaries and other expenses have been allocated to the courses involved, the number of students enrolled, and the number of clock hours or credit hours during the period covered by the cost data. In the case of new courses for which no actual cost experience is available, estimated costs may be submitted. In determining the fair and reasonable compensation, all expenses, except expenses for sales commissions and promotional plans, which are reasonable and necessary for the operation of the courses involved will be included in the cost statement, and such expenses will be grouped into the general categories set forth below within the limits designated.

* * * * * *

7. Section 21.570 is amended as follows:

§ 21.570 *Determination when contract is required.* (a) Contracts under Public Law 16 are required before payment of charges can be made to educational institutions for the rehabilitation of eligible veterans. Those provisions of paragraph (b) of this section, relative to rates in contracts with other than nonprofit institutions, are equally applicable to contracts for the rehabilitation of Part VII trainees. (See § 21.443 (a) (1).)

(b) It will be necessary for a contract to be negotiated under Public Law 346 by the Veterans' Administration for payments for tuition, fees, books, supplies, equipment and other necessary expenses to the institution for the training of Part VIII trainees under the following circumstances:

(1) With institutions providing institutional on-farm courses, see §§ 21.614 through 21.618;

(2) With institutions offering courses of instruction by correspondence, see §§ 21.625 through 21.628;

(3) With nonprofit institutions which elect and are permitted to receive payments of other than customary tuition on the credit hour rate (Alternative 4, § 21.471 (b)) In such cases, contracts will be made effective with the beginning of the first term, semester, or quarter, subsequent to the date the institution submits a formal request for payment of adjusted tuition on the basis of Alternative 4, provided such request is approved by the Veterans' Administration;

(4) With nonprofit institutions in all cases where the claimed customary charges for a course of less than 30 weeks exceed the rate of $500 for a full-time course for an ordinary school year, in which event the contract rates must not exceed the rates determined to be fair and reasonable in accordance with the provisions of the formula of § 21.530 (a) *Provided,* That where the claimed customary charges for such courses have not been increased more than 25 percent subsequent to June 22, 1944, the manager may contract to pay such claimed customary charges without the submission of cost data;

(5) With other than nonprofit institutions for all courses for which the claimed customary charges exceed the rate of $500 for a full-time course for an ordinary school year. In such cases it will be necessary for the institution to submit cost data, and agreed contract rates will not exceed rates determined by the Veterans' Administration to be fair and reasonable in accordance with the provisions of the formula of § 21.530 (b)

(6) With nonprofit institutions, except for institutions of higher learning which are nonprofit as defined in § 21.468, and with other than nonprofit institutions for all couses for which the claimed customary charges do not exceed the rate of $500 for a full-time course for an ordinary school year where the majority of the enrollment of the institution in the courses in question consists of veterans in training under Public Laws 16 and 346, 78th Congress, as amended, and where one of the following conditions prevails:

(i) The institution has been established subsequent to June 22, 1944.

(ii) The institution, although established prior to June 22, 1944, has increased by more than 25 percent its total charges for the course to all students subsequent to that date. An institution will be considered to have increased its total charge for the course if it has increased its rate per hour or has lengthened, extended, or otherwise changed the course so that the resultant total charge therefor has been increased.

(iii) The institution, although established prior to June 22, 1944, has not been in continuous operation since that date.

(iv) The institution, although established prior to June 22, 1944, has added unrelated courses which were not provided for nonveteran students prior to June 22, 1944, but as to such courses only. This paragraph shall be effective March 1, 1949. In the negotiation of contracts with other than nonprofit institutions pursuant to the provisions of subdivisions (i) (ii) (iii), and (iv) of this subparagraph, it will be necessary for the institution to submit cost data; agreed contract rates will not exceed either claimed customary charges or rates determined by the Veterans' Administration to be fair and reasonable in accordance with the provisions of § 21.530 (b) In the negotiation of contracts with nonprofit institutions pursuant to the provisions of subdivisions (i) (ii) (iii) and (iv) of this subparagraph, agreed contract rates will not exceed either claimed customary charges or those determined to be fair and reasonable in accordance with the provisions of § 21.530 (a)

(c) Where contracts are not required by the provisions of paragraph (b) of this section, payments of customary charges will be made to institutions without requirement of either a cost determination or a contract and in all such cases, the training facilities section will notify the finance officer, in writing of the customary charges that are authorized to be paid without a contract.

(d) Each institution affected will be notified, in writing, of the provisions of paragraph (b) of this section, not less than 30 days prior to the date a contract is required.

(e) For flight course contracts, see §§ 21.601 through 21.612.

(Secs. 1, 2, 46 Stat. 1016, 57 Stat. 43, secs. 300, 1500, 1501, 1502, 1503, Title II, 58 Stat. 286, 287, 291, 300, 301, secs. 5, 6, 7, 10, 11 (a) 59 Stat. 542, 624, 626, 631, secs. 1, 2, 3, 60 Stat. 124, 934, 61 Stat. 180, 449, 739, 791, Pub. Laws 411, 512, 80th Cong., 38 U. S. C. 11, 11a, 693g, 697, 697a, b, c, f, g, 701, ch. 12 notes)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 49-673; Filed, Jan. 27, 1949; 8:52 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART H—SEPARATION OF CERTAIN OFFICERS

CROSS REFERENCE: For an addition to the regulations relating to commissioned officers of a section providing for separation on grounds of disloyalty, see Executive Order 10031, *supra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1723]

PART 191—GENERAL REGULATIONS APPLICABLE TO PERMITS, LEASES AND LICENSES (PARTS 192–198)

MISCELLANEOUS AMENDMENTS

1. Section 191.3 is amended by adding the following: "A mineral lease or permit will not be issued to a minor."

2. Section 191.11 is amended to read as follows:

§ 191.11 *Filing fees.* Effective March 1, 1949, all applications for prospecting permits, licenses, or noncompetitive leases, excepting phosphate lease applications, must be accompanied by a filing fee of $10.00 for each application. Such fees will be retained as a service charge even though the application should be rejected or withdrawn in whole or in part.

3. Section 191.12 is deleted.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189)

ROSCOE E. BELL,
Associate Director

Approved: January 19, 1949.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 49–636; Filed, Jan. 27, 1949; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 42]

UNITED STATES SPECIFICATIONS AND WEIGHT CLASSES FOR WHOLESALE GRADES FOR SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Specifications and Weight Classes for Wholesale Grades for Shell Eggs pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948) These grades are based upon United States Standards for Quality of Individual Shell Eggs (13 F R. 1359) and will supersede the Tentative U. S. Specifications and Weight Classes for Wholesale Grades for Shell Eggs that were approved September 17, 1947, to become effective February 1, 1948.

The Tentative U. S. Specifications and Weight Classes for Wholesale Grades for Shell Eggs have received thorough consideration throughout the country in correspondence by mail and at conferences with industry, college, and State Department of Agriculture representatives. The proposals hereinafter set forth are substantially the same as the Tentative U. S. Specifications and Weight Classes for Wholesale Grades for Shell Eggs that were approved by the Acting Assistant Administrator, Production and Marketing Administration, on September 17, 1947.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals should file the same in triplicate with the Chief, Marketing Services Division, Poultry Branch, Production and Marketing Administration, Room 2702 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER.

The proposed specifications and weight classes for wholesale grades for shell eggs are as follows:

SUBPART C—UNITED STATES SPECIFICATIONS AND WEIGHT CLASSES FOR WHOLESALE GRADES FOR SHELL EGGS

§ 42.50 *General.* (a) These wholesale grade specifications are applicable only to edible shell eggs.

(b) All terms in the United States Standards for Quality of Individual Shell Eggs (13 F R. 1359) shall, when used herein, have the same meaning as is given to them in the standards.

(c) Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.

(d) The term "refrigerator eggs" means eggs which have been held under refrigeration for a period of not less than 30 days.

(e) *"No Grade."* The term "No Grade" is not a grade within the meaning of these specifications. Eggs that fail to meet the minimum requirements of the specifications contained in this subpart, or that have been contaminated by smoke, chemicals, or other foreign material to such an extent that the character, appearance, or flavor of the eggs is seriously affected shall be designated "No Grade."

§ 42.51 *Specifications.* (a) U. S. Specials __% AA Quality" shall consist of eggs of which at least 20 percent are AA Quality and the actual percentage of AA Quality eggs shall be stated in the grade name. The balance may be A Quality except for permitted tolerances, per 30 dozen of eggs, of 27 eggs (7.5 percent) which may be B Quality, C Quality, Stained, Dirties, or Checks in any combination, and 6 eggs (1.7 percent) loss.

(b) "U. S. Extras __% A Quality" shall consist of eggs of which at least 20 percent are not less than A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name. The balance may be B Quality except for permitted tolerances, per 30 dozen of eggs, of 42 eggs (11.7 percent) which may be C Quality, Stained, Dirties, or Checks in any combination, and 8 eggs (2.2 percent) loss. For the period beginning on August 15 of any year and extending through January 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent)

(c) "U. S. Stained Extras __% A Quality" shall consist of eggs that are Stained but otherwise meet the requirements specified in paragraph (b) of this section for U. S. Extras __% A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name.

(d) "U. S. Standards __% B Quality" shall consist of eggs of which at least 20 percent are not less than B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name. The balance may be C Quality and Stained except for permitted tolerances, per 30 dozen of eggs, of 42 eggs (11.7 percent) which may be Dirties or Checks in any combination, and 10 eggs (2.8 percent) loss. Of the aforesaid balance not more than 40 percent, by count, may be Stained. For the period beginning on August 15 of any year and extending through January 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 15 eggs (4.2 percent)

(e) "U. S. Stained Standards __% B Quality" shall consist of eggs that are Stained but otherwise meet the requirements specified in paragraph (d) of this section for U. S. Standards __% B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name.

(f) "U. S. Trades __% C Quality" shall consist of eggs of which at least 83.3 percent are not less than C Quality eggs which may be Stained; and the actual total percentage of C Quality, Stained, and better quality eggs shall be stated in the grade name. The permitted tolerances, per 30 dozen eggs, are 42 eggs (11.7 percent) which may be Dirties or Checks in any combination, and 18 eggs (5 percent) loss.

(g) "U. S. Dirties" shall consist of eggs that are Dirty and contain, per 30 dozen of eggs, not more than 42 eggs (11.7 percent) which are Checks, and 18 eggs (5 percent) loss.

(h) "U. S. Checks" shall consist of eggs that are Checks and contain, per 30 dozen of eggs, not more than 18 eggs (5 percent) loss.

§ 42.52 *A summary of the United States Specifications for Wholesale Grades for Shell Eggs:*

TABLE I—SUMMARY OF UNITED STATES SPECIFICATIONS FOR WHOLESALE GRADES FOR SHELL EGGS

Wholesale grade designation	Minimum percentage of eggs of specific qualities required [1]				Tolerances in terms of maximum number and percentage of eggs, for each 30 dozen of eggs									
	AA quality	A quality or better	B quality or better	C quality, stained, or better	B quality, C quality, stained, dirties and checks		C quality, stained, dirties and checks		Dirties and checks		Checks		Loss	
					Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U. S. Specials ...% AA quality.[2]	20	Balance.	None permitted except for tolerances.		27	7.5							6	1.7
U. S. Extras ...% A quality.[2]		20	Balance.	None permitted except for tolerances.			42	11.7					8	[3] 2.2
U. S. Stained Extras ...% A quality.[2]	Eggs that are Stained but otherwise meet the requirements for U. S. Extras ...% A quality, as stated above.													
U. S. Standards ...% B quality.[2]			20	Balance.[4]					42	11.7			10	[3] 2.8
U. S. Stained Standards ...% B quality.[2]	Eggs that are Stained but otherwise meet the requirements for U. S. Standards ...% B quality, as stated above.													
U. S. Trades ...% C quality.[2]				83.3					42	11.7			13	5
U. S. Dirties											42	11.7	13	5
U. S. Checks													13	5

[1] Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.
[2] The actual total percentage must be stated in the grade name.
[3] For the period beginning on August 15 of one year and extending through January 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent) and 15 eggs (4.2 percent) for U. S. Extras ...% A quality and U. S. Standards ...% B quality, respectively.
[4] Of this balance not more than 40 percent may be Stained.

§ 42.53 *Weight classes.* The weight classes for the United States Wholesale Grades for Shell Eggs shall be as indicated in Table II of this section and, subject to the stated tolerance of 10 percent, shall apply to all wholesale grades except U. S. Dirties and U. S. Checks. There are no weight classes for U. S. Dirties and U. S. Checks.

TABLE II—WEIGHT CLASSES FOR UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Weight classes	Per 30 dozen of eggs		Weights for individual eggs at rate per dozen	
	Average net weight	Minimum net weight	Minimum weight	Weight variation tolerance for not more than 10 percent, by count, of individual eggs
	Lbs.	*Lbs.*	*Ozs.*	
Extra large	50½	50	26	Under 26 but not under 24 ounces.
Large	45	44	23	Under 23 but not under 21 ounces.
Medium	39½	39	20	Under 20 but not under 18 ounces.
Small	34	None	None	None.

§ 42.54 *Tolerances.* The minimum weights, listed in Table II of § 42.53, for individual eggs are at the rate per dozen and are subject to a weight variation tolerance of 10 percent, by count, for individual eggs as stated in Table II.

Done at Washington, D. C., this 25th day of January 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-691; Filed, Jan. 27, 1949; 8:55 a. m.]

[7 CFR, Part 985]

[Docket No. AO-163]

HANDLING OF EMPEROR GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 49-571, appearing at page 342 of the issue for Wednesday, January 26, 1949, the following changes should be made:

1. In paragraph (b) of the Findings the word "Emporer" in the 12th line should read "Emperor" and the last sentence should read: "The exception, therefore, is denied."

2. The second sentence of the second paragraph of paragraph (c) of the Findings should read: "A committee of nine shippers is established to advise and counsel with the members of the Industry Committee."

3. The 9th line of the middle column on page 343 should read: "preceding their selection as members or."

4. The 18th line of the third column on page 343 should read: "the varying climatic and other conditions."

5. In the paragraph headed *"Marketing agreement and order"* the reference to § 990.14 should read "§ 900.14."

6. In § 985.0 (a) the words "May 10 to 12, 1948" should read "May 10 to 12, 1948, inclusive."

7. The headnote for § 985.10 should read: *"Effective time; suspension; and termination."*

CIVIL AERONAUTICS BOARD

[14 CFR, Part 224]

TARIFFS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board ("Board") has under consideration the amendment of § 224.1 (n) of the Economic Regulations. The amended paragraph will prescribe the manner of filing tariffs pursuant to section 403 (a) of the Civil Aeronautics Act of 1938, as amended, ("act") by requiring a filing of initial tariffs at least thirty days before the date upon which they are to become effective.

The reasons for the proposed amendment are explained in the attached explanatory statement.

The proposed amendment is set forth in the attached proposed rule.

This amendment is proposed under authority of sections 205 (a) and 403 (a) of the Civil Aeronautics Act of 1938, as amended, (52 Stat. 984, 992, 49 U. S. C. 425, 483).

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before March 1, 1949 will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. This statement, to accompany the proposed amendment of § 224.1 (n) of the Economic Regulations is offered for the sole purpose of facilitating an understanding of

the principal features of the proposed amendment.

The requirement of a filing of initial tariffs 30 days prior to their effective date has been found necessary, (a) to the proper discharge of the Board's responsibilities in connection with its duty to reject any tariff which is not consistent with section 403 (a) of the act or the Economic Regulations and (b) to the proper execution of certain commitments under bilateral agreements between the United States and foreign countries.

With respect to air carriers engaged in interstate and overseas air transportation an examination of their initial tariffs is essential before a determination can be made as to their consistency with the act and the Board's regulations. The Board's staff considers that this examination and the necessary determinations regarding the propriety of initial tariffs should be made before the tariff becomes effective in order to prevent the disruptions and uncertainties incident to a rejection of tariffs after they have been put into operation for a period.

The present provisions authorize a filing of rates or rules for application from and to points on new routes, and from and to new points on existing routes on not less than one day's notice. They have proven unworkable in practice because the Board's staff has not had an adequate opportunity to examine tariffs and make the necessary decisions regarding consistency with section 403 (a) and the Board's regulations thereunder.

It is recognized that the proposed delay will also be productive of inconvenience to air carriers. A air carrier, however, will, in most cases, know its tariffs at least 30 days in advance where new service is to be inaugurated. Proper planning in connection with the preparation and filing of initial tariffs should eliminate, or reduce any inconvenience caused by the new requirement. In special cases, however, the Board will continue to authorize a tariff filing on less than 30 days notice. This will reduce any hardship caused by the proposed rule and will take care of emergency situations.

With respect to air carriers engaged in foreign air transportation, the proposed requirement has been found necessary as the result of the provisions of bilateral agreements requiring that new rates proposed by air carriers of either contracting parties be filed with the aeronautical authorities of the contracting parties at least 30 days before the proposed "date of introduction."

It is proposed to amend the Economic Regulations, § 224.1 *Tariffs,* (14 CFR § 224.1) by amending paragraph (n) in its entirety to read as follows:

(n) *Time for filing initial tariffs.* (1) Initial tariffs shall be filed with the Board at least 30 days prior to their effective date.

[F. R. Doc. 49-643; Filed, Jan. 27, 1949; 8:47 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 31]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE CERTAIN FUNCTIONS RELATING TO MAIL CLERKS AND POSTAL SERVICES

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, all the functions, powers, and duties relating to mail clerks and postal services which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws, Executive Orders, and agreements as limited by other laws, parts of laws, Executive Orders, and agreements whether or not specifically set forth herein.

a. The act of August 21, 1941, c. 392 (55 Stat. 656) as amended by the act of June 30, 1947, c. 170 (61 Stat. 211, 39 U. S. C. 138)

b. The general agreement between U. S. Post Office Department and the War Department concerning Army Postal Service, dated March 19, 1940.

c. All other laws, parts of laws, including applicable provisions of Appropriations Acts, Executive Orders, pertinent United States Post Office regulations, and Department of the Army—Post Office agreements, which vest in the Secretary of the Army or the Department of the Army, or any officer of that department, functions, powers, and duties relating to mail clerks and postal services, insofar as they pertain to the Department of the Air Force or the United States Air Force, or their property or personnel.

2. The Department of the Air Force will utilize the services of the Department of the Army, and the Department of the Army will utilize the services of the Department of the Air Force for such types of service relating to mail clerks and postal services as are presently performed by one for the other, subject to such adjustments as from time to time are jointly determined to be necessary or desirable by the secretaries of the two departments.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

5. Nothing contained in this order shall operate as a transfer of funds.

6. This order shall be effective as of 12:00 noon, January 1, 1949.

JAMES FORRESTAL,
Secretary of Defense.

JANUARY 17, 1949.

[F. R. Doc. 49-638; Filed, Jan. 27, 1949; 8:45 a. m.]

Department of the Army

DESCRIPTION OF CENTRAL AND FIELD AGENCIES

ARMY COMPTROLLER AND DIRECTOR OF LOGISTICS

Description of Central and Field Agencies, which formerly appeared as Part 1, Subtitle A, Title 10 CFR, is amended by addition of a new paragraph (d) to section 1.7, and a sentence to section 1.12 (b) as follows:

SEC. 1.7 *Army Comptroller* * * *

(d) The Army Audit Agency is removed from the functional supervision of the Assistant Secretary of the Army and is placed under the supervision of the Army Comptroller. The Chief, Army Audit Agency, will be responsible through the Army Comptroller and the Chief of Staff to the Secretary of the Army.

* * * * *

SEC. 1.12 *Director of Logistics.* * * *

(b) Under the direction * * * In matters of health and medical care of the troops, and the utilization of professional medical personnel, the Surgeon General shall have access to the Secretary of the Army and the Chief of Staff.

[SEAL] EDWARD F WITSELL,
Major General,
The Adjutant General.

[F R. Doc. 49-651; Filed, Jan. 27, 1949; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 411

JANUARY 4, 1949.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with

43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F R. 3566) and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) is hereby revoked as to the following described lands:

T. 31 S., R. 59 E., Copper River Meridian.
Sec. 24: Lot 3 (soldier's additional homestead application of Haines Packing Co., Anchorage 011792).
T. 31 S., R. 60 E.
Sec. 29: Lots 2 and 3.
Sec. 30: Lots 1 and 6 (homestead application of Edward R. Hruby, Anchorage 012100).
T. 6 S., R. 14 W., Seward Meridian.
Sec. 15: Lot 1, NE¼SW¼, NW¼SE¼ (homestead application of Parker A. Lyle, Anchorage 010673).
T. 8 S., R. 14 W.
Sec. 29: Lots 1, 2 and SE¼NW¼ (homestead application of Gilbert O. Swain, Anchorage 011234).
T. 4 S., R. 15 W.
Sec. 11: Lots 1 and 2 (homestead application of Mauritz R. Kallman, Anchorage 011564).

A tract of land on arm of Auke Bay, identified as Lot "E" U. S. Survey No. 2389, containing 3.64 acres (homesite application of Chris Jorgenson, Anchorage 012120).

A tract of land on Eagle River Highway along the arm of Auke Bay, identified as Tract "B" U. S. Survey No. 2391, containing 2.50 acres (homesite application of Erick Gabriel Larson, Anchorage 011969).

A tract of land on Gastineau Channel, identified as U. S. Survey No. 2619, containing approximately 1 acre (Soldier's additional homestead application of Harry L. Lea, Anchorage 09830).

A tract of land on Douglas Island, Gastineau Channel, identified as U. S. Survey No. 2562, containing approximately 1 acre (Homesite application of Jacob W. Sorri, Anchorage 09996.)

A tract of land approximately 3 miles in a northerly direction from Three-mile Creek at Cottonwood, Cook Inlet, described as: "Commencing at latitude 61°11' North and longitude 151°01' West at a small stream and water trough between two cabins which is Corner No. 1; thence north 330 feet to Corner No. 2; thence West 660 feet to Corner No. 3; thence South 330 feet to Corner No. 4; thence East 660 feet to point of beginning." (Homesite application of Francis H. Grant, Anchorage 011620).

A tract of land on Kvichak River, identified as U. S. Survey No. 2444, containing approximately 9 acres (trade and manufacturing site application of Albert R. Davey, Anchorage 09281).

A tract of land on Gastineau Channel, identified as U. S. Survey No. 2502, containing approximately 5 acres (Soldier's additional homestead application of Vera Paige Bruce, Anchorage 09644).

A tract of land on Jamestown Bay, identified as U. S. Survey No. 2569, containing approximately 0.56 acre (Homesite application of Jesse R. Hadden, Anchorage 09966).

A tract of land on Herring Bay, identified as Lot 76, U. S. Survey No. 2404, containing 2.00 acres (Homesite application of Earl Lloyd Walker, Anchorage 011963).

The areas described aggregate approximately 300 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on March 8, 1949, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from March 8, 1949 to June 6, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 16, 1949 to March 7, 1949, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 8, 1949 shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on June 7, 1949 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 18, 1949 to June 6, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 7, 1949 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 49-637; Filed, Jan. 27, 1949; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket 9219]

WHAS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WHAS, Inc., Louisville, Kentucky, Docket No. 9219, File No. BMPCT-320; for additional time in which to construct its proposed TV Station WHAS (File No. BMPCT-320)

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of January 1949;

The Commission having under consideration the above-entitled application of WHAS, Inc. (File No. BMPCT-320) for additional time in which to complete construction of TV broadcast station WHAS-TV, Louisville, Kentucky; and

It appearing, that on September 19, 1946, the Commission granted WHAS, Inc., a construction permit for a TV broadcast station at Louisville, Kentucky (File No. BPCT-157) and

It further appearing, that the construction of the TV broadcast station authorized on September 19, 1946 has not been completed, and the Commission being fully advised in the matter;

It is ordered, That pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application (File No. BMPCT-320) be, and it is hereby, designated for hearing on February 23, 1949 at the offices of the Commission in Washington, D. C., upon the following issues:

1. To determine whether the WHAS, Inc. has been diligent in proceeding with the construction of the television station at Louisville, Kentucky, authorized by the construction permit granted September 19, 1946, File No. BPCT-157.

2. To determine whether it would be in the public convenience, interest or necessity to grant the application of WHAS, Inc., File No. BMPCT-320, for additional time in which to construct a TV broadcast station at Louisville, Kentucky, authorized by the Commission on September 19, 1946, File No. BPCT-157.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-653; Filed, Jan. 27, 1949; 8:49 a. m.]

[Docket Nos. 8062, 8116, 9213-9215]

CRESCENT BAY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Crescent Bay Broadcasting Company, Santa Monica, California, Docket No. 8062, File No. BP-5589; Balboa Radio Corporation (KLIK) San Diego, California, Docket No. 8116, File No. BP-5622; Elmer Glaser, Ray A. Wilcox, David Rorich, Jr., Hyman Glaser and Max Glaser, d/b as Oceanside Broadcasting Company, Oceanside, California, Docket No. 9213, File No. BP-5772; Centinela Valley Broadcasting Company, Inglewood, California, Docket No. 9214, File No. BP-6176; Bethesda Camp Meeting Grounds, Inc., Anaheim, California, Docket No. 9215, File No. BP-6720; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of January 1949;

The Commission having under consideration the above-entitled applications of Crescent Bay Broadcasting Company for authorization to construct a new standard broadcast station at Santa Monica, California to operate on 1460 kc, with 1 kw power, daytime only; Elmer Glaser, Ray A. Wilcox, David Rorich, Jr., Hyman Glaser, and Max Glaser, d/b as Oceanside Broadcasting Company for authorization to construct a new standard broadcast station at Oceanside, California to operate on 1450 kc, with 250 w power, unlimited time; Centinela Valley Broadcasting Company to construct a new standard broadcast station at Inglewood, California to operate on 1450 kc, with 250 w power from local sunset to 5 hours thereafter; and Bethesda Camp Meeting Grounds, Inc., for authorization to construct a new standard broadcast station at Anaheim, California to operate on 1450 kc, with 100 w, unlimited time; and

It appearing, that, on April 29, 1948, the Commission designated the above-entitled Balboa Radio Corporation application to construct a new standard broadcasting station at San Diego, California to operate on 1450 kc, with 250 w, unlimited time, for hearing to determine, among other things, questions of coverage and interference, and that the hearing on the said application is presently scheduled to be held in San Diego, California on January 31, 1949;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the aforesaid applications of Crescent Bay Broadcasting Company, Oceanside Broadcasting Company, Centinela Valley Broadcasting Company and Bethesda Camp Meeting Grounds, Inc., be, and they are hereby, designated for hearing in a consolidated proceeding with the application of Balboa Radio Corporation, and that, following the San Diego hearing, the aforesaid applications be heard in Oceanside, California on February 1, Santa Monica, California on February 2; Anaheim, California on February 3; and Inglewood, California on February 4, 1949 upon the following issues:

1. To determine the legal, technical, financial and other qualifications of Crescent Bay Broadcasting Company and Centinela Valley Broadcasting Company, their officers, directors and stockholders; Oceanside Broadcasting Company and the partners; and Bethesda Camp Meeting Grounds, Inc., its officers, trustees and members to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed Santa Monica, Oceanside, Anaheim and Inglewood, California stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed Santa Monica, California station would involve objectionable interference with Station KVOE, Santa Ana, California or any other existing broadcast station; whether the Bethesda Camp Meeting Grounds, Inc. proposal at Anaheim, California would involve objectionable interference with Station KPRO, Riverside, California or any other existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed Oceanside and Inglewood, California stations would involve objectionable interference with any existing station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed San Diego, Oceanside, Santa Monica, Anaheim and Inglewood, California stations would involve objectionable interference, each with the other, or with the service proposed in any other pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed Oceanside, Santa Monica, Anaheim and Inglewood, California stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the specified nighttime hours of operation proposed by the Inglewood applicant, possible overlap of the 2 mv/m and 25 mv/m contours of the Santa Monica proposal and Station KVOE, and possible overlap of the 2 mv/m and 25 mv/m contours in connection with the Santa Monica and Anaheim proposals.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Voice of the Orange Empire, Inc., Ltd., licensee of Station KVOE, Santa Ana, California and Broadcasting Corporation of America, licensee of Station KPRO, Riverside, California be, and they are hereby, made parties to this proceeding.

It is further ordered, That the Commission's order of April 29, 1948 designating the Balboa Radio Corporation for hearing be, and it is hereby, amended to include issues 6 and 8 set forth herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-655; Filed, Jan. 27, 1949; 8:50 a. m.]

[Change List 3]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 7, 1948.

Notifications under the provisions of Part III, section 2, of the North American Regional Broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Dominican Republic Broadcast Stations modifying appendix containing assignments of Dominican Republic Broadcast Stations (Mimeograph 47214-2) attached to the recommendations of the North American Regional Broadcasting agreement engineering meeting, January 30, 1941.

DOMINICAN REPUBLIC

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
HIL (New)	Ciudad Trujillo	790 kilocycles, 500w		III-B	Feb. 1949
HIG	do	900 kilocycles (delete—see assignment on 950 kc).			
HIG	do	950 kilocycles, 250 w		IV	Feb. 1949
HI9U	Puerto Plata	[1] 1246 kilocycles, 250 w (present assignment 7205 kc, 100 w).		IV	Feb. 1949
HIT	Ciudad Trujillo	1400 kilocycles, 200 w (present assignment 5010 kc, 100 w).		IV	Feb. 1949
HI2R (New)	San Cristobal	1450 kilocycles, 200 w		IV	Feb. 1949

[1] The frequency 1246 kc is specified on official document received via Inter-American Radio Office.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-654; Filed, Jan. 27, 1949; 8:49 a. m.]

[Docket Nos. 8197, 8198, 8218, 8219]

RADIO BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Radio Broadcasting Corporation, La Salle, Peru, Illinois.

Docket No. 8197, File No. BP-5747; McLean County Broadcasting Company, Normal, Illinois, Docket No. 8198, File No. BP-5857; Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, Docket No. 8218, File No. BP-5574; Steel City Broadcasting Corporation, Gary, Indiana, Docket No. 8219, File No. BP-5888; for construction permits.

The Commission having scheduled a hearing on the above-entitled applications for February 28, 1949, at Washington, D. C., and

It appearing, that on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630) and

It further appearing, that the above-entitled applications of Radio Broadcasting Corporation, LaSalle, Peru, Illinois, and Steel City Broadcasting Corporation, Gary, Indiana, requests the use of 1080 kc, 1 kw power, daytime only and that the above-entitled applications of McLean County Broadcasting Company, Normal, Illinois, and Northwestern Indiana Radio Company, Inc., Valparaiso, Indiana, requests the use of 1080 kc, 250 watts power, daytime only;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled applications be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. D. Doc. 49-659; Filed, Jan. 27, 1949; 8:50 a. m.]

[Change List 105]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 24, 1948.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting agreement engineering meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEWA	San Luis Potosi, San Luis Potosi.	540 kilocycles (now in operation)			

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-656; Filed, Jan. 27, 1949; 8:50 a. m.]

[Docket No. 8027]

ROCK CREEK BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Rock Creek Broadcasting Corporation, Washington, D. C., Docket No. 8027, File No. BP-5482; for construction permit.

The Commission having scheduled a hearing on the above-entitled application for February 21, 1949, at Washington, D. C., and

It appearing, that on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630), and

It further appearing, That the above-entitled application requests the use of 840 kc, with 10 kw power, daytime only, using directional antenna;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-660; Filed, Jan. 27, 1949; 8:50 a. m.]

[Docket No. 8266]

HEIGHTS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of the Heights Broadcasting Company, Cleveland, Ohio, Docket No. 8266, File No. BP-5412; for construction permit.

The Commission having scheduled a hearing on the above-entitled application for February 17, 1949, at Washington, D. C., and

It appearing, that on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630), and

It further appearing, that the above-entitled application requests the use of 710 kc, with 250 watts power, daytime only;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-661; Filed, Jan. 27, 1949; 8:50 a. m.]

[Docket No. 8381]

GILA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Gila Broadcasting Company, Winslow, Arizona, Docket No. 8381, File No. BP-5406; for construction permit.

The Commission having scheduled a hearing on the above-entitled application for February 16, 1949, at Washington, D. C., and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on January 10, 1949;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled application be, and it is hereby, continued indefinitely, pending action on the said petition for reconsideration and grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-662; Filed, Jan. 27, 1949; 8:50 a. m.]

[Docket No. 8283]

DELTA BROADCASTING CO. (WDBC)

ORDER CONTINUING HEARING

In re application of Delta Broadcasting Company (WDBC), Escanaba, Michigan, Docket No. 8283, File No. BP-6219; for construction permit.

The Commission having scheduled a hearing on the above-entitled application for February 14, 1949, at Washington, D. C., and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on August 12, 1948;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled application be, and it is hereby, continued indefinitely, pending action on the said petition for reconsideration and grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-663; Filed, Jan. 27, 1949; 8:51 a. m.]

[Docket No. 8374]

KXRO, INC. (KXRO)

ORDER CONTINUING HEARING

re application of KXRO, Incorporated (KXRO) Aberdeen, Washington, Docket No. 8374, File No. BP-5568; for construction permit.

The Commission having scheduled a hearing on the above-entitled application for February 3, 1949, at Hoquiam, Washing; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on December 7, 1948;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled application be, and it is hereby, continued indefinitely pending action on the said petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-664; Filed, Jan. 27, 1949; 8:51 a. m.]

[Docket No. 8025]

SEMINOLE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Louis Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company, Wewoka, Oklahoma, Docket No. 8025, File No. BP-5270; for construction permit.

The Commission having scheduled a hearing on the above-entitled application for February 10, 1949, at Washington, D. C., and

It appearing, that on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630) and

It further appearing, that the above-entitled application requests the use of 720 kc, 250 watts power, daytime only;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-665; Filed, Jan. 27, 1949; 8:51 a. m.]

[Change List 47]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 20, 1948.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Cuban Broadcast Stations modifying appendix containing assignments of Cuban Broadcast Stations (Mimeograph 47983) attached to the recommendations of the North American Regional Broadcasting agreement engineering meeting, January 31, 1941.

CUBA

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
CMHT.....	Sancti Spiritus, Las Villas	990 kilocycles, 1000w-D; 250w-N.....	U	II	May 15, 1949

NOTE—The change is that station CMHT, Sancti Spiritus, Las Villas, which up to now has been operating on 990 kilocycles with 250 watts, will operate on the same frequency using 1000 watts day and 250 watts night.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 49-658; Filed, Jan. 27, 1949; 8:50 a.m.]

[Docket No. 8232]

SUBURBAN BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Suburban Broadcasting Corporation, Upper Darby, Pennsylvania, Docket No. 8232, File No. BP-5134, for construction permit.

The Commission having scheduled a hearing on the above-entitled application for February 2, 1949, at Washington, D. C., and

It appearing, that on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630) and

It further appearing, that the above-entitled application requests the use of 1170 kc, with 1 kw power, daytime only;

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-666; Filed, Jan. 27, 1949; 8:51 a. m.]

[Docket Nos. 9054-9057]

CROSLEY BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Crosley Broadcasting Corporation, New York, New York, Docket No. 9054, File No. BPH-1290; Atlantic Broadcasting Company, Inc., New York, New York, Docket No. 9055, File No. BPH-1295; Debs Memorial Radio Fund, Inc., New York, New York, Docket No. 9056, File No. BPH-1375; Ebbets McKeever Exhibition Company, Inc., New York, New York, Docket No. 9057, File No. BPH-1411, for FM construction permits.

The Commission having scheduled a further hearing on the above-entitled applications for January 25, 1949, at Washington, D. C.,

It is ordered, This 14th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Tuesday, March 1, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-667; Filed, Jan. 27, 1949; 8:51 a. m.]

[Docket No. 9023]

VULCAN BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of George A. Mattison, Jr., Walter Ervin James, a partnership, d/b as Vulcan Broadcasting Company, Birmingham, Alabama, Docket No. 9023, File No. BP-5816; for construction permit.

The Commission having under consideration a petition filed January 12, 1949, by Vulcan Broadcasting Company, Birmingham, Alabama, requesting a continuance in the hearing presently scheduled for January 24, 1949, at Birmingham, Alabama, on its above-entitled application for construction permit;

It is ordered, This 17th day of January 1949, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, March 3, 1949, at Birmingham, Alabama.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-668; Filed, Jan. 27, 1949; 8:51 a. m.]

[Docket No. 7764]

SIOUX FALLS BROADCASTING ASSN. (KSOO)

ORDER CONTINUING HEARING

In re application of Sioux Falls Broadcasting Association (KSOO), Sioux Falls, South Dakota, Docket No. 7764, File No. BP-4645; for construction permit.

The Commission having under consideration a petition filed January 12, 1949, by Sioux Falls Broadcasting Association, Inc. (KSOO) Sioux Falls, South Dakota,

requesting a continuance in the oral argument presently scheduled for February 4, 1949, in the proceeding upon the above-entitled application for construction permit;

It is ordered, This 17th day of January 1949, that the petition be, and it is hereby, granted; and that the oral argument in the proceeding upon the above-entitled application be, and it is hereby, continued to a date subsequently to be specified.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-669; Filed, Jan. 27, 1949; 8:51 a. m.]

[Change List 104]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 7, 1948.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting agreement engineering meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEFW	Tampico, Tamaulipas	810 kilocycles, 50kw-DA-N	(This station will operate immediately with 50kw day with nondirectional antenna and with 50kw night using the latest[1] proposed two element directional antenna. This plan, of provisional character, has for its object to protect at night the service contours of class I-B broadcast stations WGY and KGO.)		

[1] Pattern received by FCC 4/20/48.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-657; Filed, Jan. 27, 1949; 8:50 a. m.]

COURIER-JOURNAL AND LOUISVILLE TIMES CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Courier-Journal and Louisville Times Company, (transferor) Crosley Broadcasting Corporation, (transferee) File No. BTC-690, Docket No. 9216; the Fort Industry Company, (transferee) File No. BTC-690, Supplement, Docket No. 9217; Hope Productions, Inc., (transferee), File No. BTC-690, Supplement, Docket No. 9218; for consent to the transfer of control of WHAS, Inc., Louisville, Kentucky.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of January 1949;

The Commission having under consideration the above entitled applications for consent to the transfer of control of WHAS, Inc., Louisville, Kentucky, and being unable to determine upon consideration of the applications on their merits that Crosley Broadcasting Corporation is best qualified and that a transfer to that applicant would otherwise be in the public interest;

It is ordered, That, pursuant to section 310 (b) of the Communications Act and § 1.321 of the Commission's rules and regulations, the above applications for transfer of control of WHAS, Inc., be, and they are hereby, designated for hearing in a consolidated proceeding, at the offices of the Commission on February 28, 1949, upon the following issues:

1. To determine whether the proposed transferees are legally, technically, financially and otherwise qualified to own and control WHAS, Inc., and to operate the stations of which WHAS, Inc. is the licensee and to construct WHAS-TV for which WHAS, Inc. holds a construction permit.

2. To determine the extent and nature of signal overlap between standard broadcast station WHAS in Louisville, Kentucky, and any standard broadcast station owned, controlled or operated by any of the proposed transferees and whether such overlap, if any, would contravene the provisions of § 3.35 of the Commission's rules and regulations.

3. To determine whether a grant of the application of the Fort Industry Company would result in a conflict with §§ 3.35 and 3.240 of the Commission's rules and regulations insofar as those rules impose a limit on the number of stations which one entity may own, control, or operate.

4. To determine the full contract arrangements between the transferor and Crosley Broadcasting Corporation, including the price and the manner of payment and the properties to be received therefor.

5. To secure full information as to the plans of each of the proposed transferees for staffing and programming the stations of which WHAS, Inc. is licensee or permittee, and all other plans or arrangements for operating said stations.

6. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-670; Filed, Jan. 27, 1949; 8:51 a. m.]

[File No. BP-6378]

GRINER-DILLON BROADCASTING CO.

ORDER AMENDING ISSUES

In re application of Griner-Dillon Broadcasting Company, Bay City, Michigan, File No. BP-6378, Docket No. 8610; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of December 1949;

The Commission having under consideration a petition filed August 9, 1948 by Griner-Dillon Broadcasting Company pursuant to § 1.386 of the Communication's rules requesting reconsideration and immediate grant of its above-entitled application for a permit to construct a new standard broadcast station to operate on the frequency 1350 kilocycles, with 500 watts power, daytime only at Bay City, Michigan; and

It appearing, that the Commission on June 2, 1948, designated for hearing the above-entitled application to determine, among other things, the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station, and the extent of objectionable interference, if any, to Station WBBC, Flint, Michigan; and

It further appearing, that from the information in the aforesaid petition and the above-entitled application the Commission finds that the applicant corporation and its officers, directors, and stockholders, are legally, technically, financially and otherwise qualified to construct and operate the proposed station; and

It further appearing, that Booth Radio Stations Incorporated, licensee of Station WBBC, has been made a party to the hearing on the above-entitled application, has entered an appearance in the proceeding, and has filed an opposition to a grant of the aforesaid petition, accompanying the same with an engineering statement showing interference within its normally protected contours from the proposed application:

It is ordered, That the aforesaid petition be, and it is hereby, granted, to the extent only that the Commission's order of June 2, 1948, be and it is hereby, amended so as to delete issues numbered 1 and 3, to renumber issue 2 as issue 1, and to renumber issues 4, 5, and 6, as issues 2, 3, and 4, and in all other aspects, the aforesaid petition be and it is hereby, denied.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-671; Filed, Jan. 27, 1949; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1147]

PANHANDLE EASTERN PIPE LINE CO. AND HUGOTON PRODUCTION CO.

ORDER SUPPLEMENTING ORDERS OF OCTOBER 26, 1948 AND NOVEMBER 10, 1948, BY ADDING REPRESENTATIVE STOCKHOLDERS OF PANHANDLE EASTERN PIPE LINE COMPANY AS PARTIES RESPONDENT, AND INVITING PARTICIPATION BY ANY OTHER STOCKHOLDERS OF SUCH COMPANY

JANUARY 18, 1949.

The holders of the common stock of Panhandle Eastern Pipe Line Company (Panhandle) of record on October 29, 1948, claim an interest in the 810,000 shares of the capital stock of Hugoton Production Company (Hugoton) referred to in paragraph (n) of the order in this proceeding dated November 10, 1948. Certain of said stockholders have intervened in a companion court case to the instant proceeding, wherein the Commission seeks an injunction, inter alia, to restrain Panhandle from delivering to the holders of the common stock of Panhandle, certificates for such 810,000 shares of Hugoton stock, pending the determination of the questions presented in this proceeding. The common stockholders of Panhandle are so numerous as to make it impracticable to add all of them individually as parties to this proceeding. The following persons are amongst such stockholders of Panhandle; and, on January 31, 1948, were the largest of such stockholders, and the only ones thereof holding one per cent or more of the company's voting securities; and are fairly representative of all of such stockholders: Missouri-Kansas Pipe Line Company, Stephen Carlton Clark, Anderson & Company, Brown Brothers Harriman & Company, Insurance Company of North America, Investors Trust Company, Frederick Ambrose Clark, Carothers & Clark and Frank J. Lewis.

The Commission finds: It is appropriate in order to carry out the provisions of the Natural Gas Act, and in order to assure that the holders of Panhandle's common stock will be enabled through class representation to present their interests, if any, in this proceeding, that the orders dated October 26, 1948, and November 10, 1948, in this proceeding be supplemented as hereinafter provided.

The Commission orders:

(A) The order instituting investigation, dated October 26, 1948, be and the same is hereby supplemented by adding the following persons as parties respondent thereto, on their own behalf and as representative of all the holders of the common stock of Panhandle of record on October 29, 1948: Missouri-Kansas Pipe Line Company, Stephen Carlton Clark, Anderson & Company, Brown Brothers, Harriman & Company, Insurance Company of North America, Investors Trust Company, Frederick Ambrose Clark, Carothers & Clark and Frank J. Lewis.

(B) At the public hearing provided for in the order or November 10, 1948, and now set to commence on February 7, 1949, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., said persons named in paragraph (A) hereof show cause, under oath, if any there be, why the Commission should not by order, find, determine and direct as follows:

That Panhandle and Hugoton cancel the contract, or purported contract, referred to in paragraph (n) of said order of November 10, 1948, and that the aforementioned 810,000 shares of capital stock of Hugoton be returned to Hugoton, and that Hugoton return to Panhandle, the leases on the 96,164.21 acres of land referred to in paragraph (b) of the order of November 10, 1948, together with the $675,000 in cash received by Hugoton from Panhandle.

(C) Any other stockholder or stockholders of Panhandle who so desire may become parties to this proceeding with full rights to participate in the hearing in this matter, now set to commence on February 7, 1949, by filing with the Commission, at any time before the hearing, notice of their desire so to do.

(D) Copies of the Commission's aforesaid orders of October 26 and November 10, 1948, and of its order of January 13, 1949, postponing the aforementioned hearing, theretofore set for January 24, 1949, to February 7, 1949, shall be served on each of the stockholders named in paragraph (A) hereof together with a copy of this order and that this order be published in the FEDERAL REGISTER.

Date of issuance: January 18, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-641; Filed, Jan. 27, 1949; 8:45 a. m.]

[Docket Nos. G-1089, G-859, G-1120, G-1124—G-1127, G-1130, G-1136—G-1138, G-1149]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR FILING BRIEFS AND FOR ORAL ARGUMENT

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1089; Texas Gas Transmission Corporation, Docket No. G-859; Philadelphia Gas Works Company, Docket No. G-1120; Consumers Gas Company, Docket No. G-1124; Allentown-Bethlehem Gas Company, Docket No. G-1125; Harrisburg Gas Company, Docket No. G-1126; Village of Norris City, Illinois, Docket No. G-1127; Kentucky Utilities Company, Docket No. G-1130; Corporation of Dyersburg, Tennessee, Docket No. G-1136; Madison Utilities Corporation, Docket No. G-1137; Lawrenceburg Gas Company, Docket No. G-1138; National Gas & Oil Corporation, Docket No. G-1149.

A motion was filed on January 10, 1949, by Texas Gas Transmission Corporation in Docket No. G-859 and the dockets consolidated therewith, requesting, among other things, the omission of the intermediate decision procedure on the ground that its gas supply and gas purchase contracts will expire by March 31, 1949, and the said movant is unable to state that such contracts can be extended and that there is danger of loss of the gas supply presently under contract and available, and further, requesting opportunity for oral argument before the Commission in lieu of the filing of briefs, with opportunity, however, to any party to file briefs five days in advance of oral argument.

A motion was filed on January 10, 1949, by Texas Eastern Transmission Corporation in Docket No. G-1089 and the dockets consolidated therewith, requesting, among other things, the omission of the intermediate decision procedure on the ground that the facilities proposed by it are interrelated to those proposed by Texas Gas Transmission corporation in Docket No. G-859 and that the supply to and sale of gas from the facilities proposed by both movants are vital to the project, and further, requesting opportunity for oral argument before the Commission in lieu of the filing of briefs, with opportunity, however, to any party to file briefs five days in advance of oral argument.

An answer in opposition to the aforesaid motions for omission of the intermediate decision procedure in the proceedings in Docket Nos. G-1089 and G-859 was filed herein on January 18, 1949, by National Coal Association, United Mine Workers of America, Fuels Research Council, Inc., Anthracite Institute, Railway Labor Executives Association, Chesapeake & Ohio Railway Company setting forth that the reasons recited by the movants were vague and indefinite and that certain expiration dates in gas purchase, gas sales and financial contracts, previously extended for certain periods, should be further extended. These designated answering interveners request that the intermediate decision procedure be followed and that opportunity be offered for the filing of briefs, with proposed findings and conclusions and supporting reasons therefor.

Answer to the aforesaid motions in these dockets was also filed by National Gas & Oil Corporation which requested that the Commission require the filing of briefs by those parties and interveners in these proceedings who oppose the positions presented by the 7 (a) applicants, with provisions for reply, prior to time of argument if the intermediate decision procedure be omitted.

The Commission finds:

(1) The evidence of record in this consolidated proceeding shows that construction of the facilities proposed by applicants, if authorized by the Commission, must be commenced early in 1949, in order to be completed for the winter of 1949-50.

(2) Substantial quantities of steel pipe of the size and character required for the construction of the proposed facilities as well as compressors and other equipment will be available early in 1949 to permit substantial construction and permit delivery of gas by November 1, 1949, if construction is authorized.

(3) The hearings upon the applications filed by Texas Gas and Texas Eastern and the issues raised in other dockets which were consolidated with such applications for hearing commenced on September 27, 1948, and with a recess from December 15, 1948 to January 3, 1949, were concluded on January 14, 1949.

Every opportunity was given all parties to present evidence and cross examine witnesses.

(4) The record shows that unless final action is taken by the Commission prior to March 31, 1949, the gas purchase contracts, gas sales contracts and the financial arrangements of both applicants will expire, and unless the intermediate decision procedure is omitted, it appears that a decision by the Commission cannot be rendered before March 31, 1949.

(5) Due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure and render final decision in the proceedings.

The Commission orders:

(A) The intermediate decision procedure in the proceedings in Docket Nos. G-859 and G-1089 and the dockets consolidated therewith be and the same is hereby omitted in accordance with the provisions of § 1.30 (c) of the Commission's rules of practice and procedure.

(B) Briefs shall be filed by those parties who are to participate in the argument on or before February 14, 1949, and oral argument be had before the Commission commencing on February 24, 1949, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance, January 19, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-642; Filed, Jan. 27, 1949; 8:46 a. m.]

[Docket No. G-1065]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

JANUARY 24, 1949.

Notice is hereby given that on January 14, 1949, an amended application was filed with the Federal Power Commission by East Tennessee Natural Gas Company (Applicant) a Tennessee corporation with its principal office at Chattanooga, Tennessee, for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of additional facilities consisting of approximately 170 miles of 22-inch pipeline commencing at a point of interconnection with the existing pipeline of Tennessee Gas Transmission Company, between that Company's compressor stations Nos. 10 and 11, and extending generally eastwardly to Oak Ridge, Tennessee, to deliver 60,000 Mcf of natural gas per day to the Atomic Energy Commission at Oak Ridge.

The original application at Docket No. G-1065 was filed on June 30, 1948, and notice thereof published in the FEDERAL REGISTER on July 9, 1948 (13 F. R. 3821-3822). In the original application Applicant sought a certificate for construction and operation of not only the 22-inch line to serve 60,000 Mcf per day to the Atomic Energy Commission at Oak Ridge, Tennessee, but also pipeline facilities for extending its system and serving natural gas eastwardly from Oak Ridge to the Kingsport, Bristol and Johnson City areas in northeastern Tennessee. The Applicant alleges that it now appears that it will be able to obtain sufficient steel for a 22-inch steel pipeline to Oak Ridge in time for use during the approaching 1949 construction season. At a later date, and as soon as critical materials are available, it proposes to present to the Commission a further plan and request authorization for facilities to serve the aforesaid markets and areas extending eastwardly from Oak Ridge to Bristol, Tennessee.

The cost of the proposed facilities covered by the amended application is estimated by Applicant at $9,976,000, which is proposed to be financed through the sale of securities and through bank loans. Applicant estimates its gross annual revenues will approximate $4,329,900, its operating costs and fixed charges, including depreciation, but exclusive of interest in other nonoperating expenses, will approximate $4,082,200, and that its resulting gross income will be about $247,700, on the basis of average daily deliveries of 55,000 Mcf per day.

Applicant asserts that there is an impelling necessity for the natural gas service proposed to be rendered the Atomic Energy Commission at Oak Ridge, Tennessee. In this connection Applicant states that it has entered into a definitive contract to supply natural gas to the Atomic Energy Commission for use in the Oak Ridge area, which contract provides for a maximum volume of 60,000 Mcf per day, and in said contract it is certified by the Atomic Energy Commission that the obtaining of such natural gas service is necessary in the interest of common defense and security. The Applicant further states that said contract was negotiated on the basic assumption that it would construct and operate additional facilities to provide natural gas service to the markets and areas extending eastwardly from Oak Ridge to Bristol, Tennessee. Since the filing of the original application in Docket No. G-1065, Applicant states that the Atomic Energy Commission has made known the fact that it has under consideration an expansion program under which its natural gas requirements will be substantially increased. According to the amended application the capacity of the facilities applied for will be sufficient to enable Applicant to render such increased service.

Applicant proposes to establish an interconnection of the facilities applied for with the existing natural gas pipeline facilities of the Tennessee Gas Transmission Company, and to obtain a supply of natural gas from that Company through such interconnection. Applicant states that it has a requirements contract with Tennessee Gas Transmission Company for the purchase of an adequate natural gas supply to enable Applicant to provide the service for which application is made in the amended application.

Applicant requests that the Commission issue a temporary certificate pending a hearing and determination of its amended application. In the event such temporary authority is not granted, Applicant requests that its application be granted under the shortened procedure provided for by § 1.32 of the Commission's rules of practice and procedure. Applicant further requests that the hearing on its amended application be consolidated with the hearing to be had In the Matter of Tennessee Gas Transmission Company, Docket No. G-1070, and the further hearing to be had In the Matter of Tennessee Gas Transmission Company, Docket No. G-962.

Any interested State commission is requested to notify the Federal Power Commission whether the amended application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The original application and the amended application of East Tennessee Natural Gas Company are on file with the Commission and are open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-693; Filed, Jan. 27, 1949; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[Application 8]

INLAND WATER CARRIERS' FREIGHT ASSN.

APPLICATION FOR APPROVAL OF AGREEMENT

JANUARY 25, 1949.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by: Coast Transportation Company, Inc., Hibernia Building, New Orleans, La., Coyle Lines Incorporated, P. O. Box No. 6056—Sta. A, New Orleans, La., Dixie Carriers, Inc., 811 Petroleum Building, Houston, Tex.

Agreement involved: An agreement between and among common carriers by water, establishing the Inland Water Carriers' Freight Association, and providing procedures for the joint consideration, initiation or establishment of rates, fares, classifications, divisions, allowances, or charges (including charges between carriers and compensation for the use of facilities and equipment) or rules and regulations pertaining thereto, applicable to the transportation by water in interstate or foreign commerce along

the Gulf of Mexico and the Gulf Intracoastal Waterway, including tributary and connecting waterways, and the lower Mississippi River and its tributaries.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W P. BARTEL, *Secretary.*

[F. R. Doc. 49-672; Filed, Jan. 27, 1949; 8:52 a. m.]

[Nos. 29721, 29722]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON AND PACIFIC COASTWISE WATER RATES

SPECIAL RULES OF PROCEDURE

JANUARY 24, 1949.

All-rail commodity rates between California, Oregon, and Washington, No. 29721, Pacific coastwise water rates, No. 29722.

These proceedings are assigned for hearing at the Office of the Public Utilities Commission, State of California, Civic Center, San Francisco, Calif., February 16, 1949, 10 o'clock a. m., United States Standard Pacific Time, before Commissioner Clyde B. Aitchison.

As these are investigations on the Commission's own motion, petitions of intervention are unnecessary, but the parties should be prepared to comply with the requirements of Rule 73 of the general rules of practice.

In order to save time and expense it is strongly urged that persons having common interests endeavor, so far as possible, to consolidate their presentation of testimony and arrange for cross-examination by a limited number of counsel.

In the preparation of exhibits Rules 81 to 84 of the general rules of practice should be observed. If possible, all documentary evidence to be introduced by each witness should be suitably bound together in a single exhibit with pages consecutively numbered. At least 50 copies of each exhibit should be available. So far as possible exhibits should be self-explanatory to minimize the time required for oral testimony.

Witnesses who prepare their testimony in writing should comply with Rule 77 of the general rules of practice. They should have a sufficient number of copies to supply opposing counsel, the official reporter, and the presiding officer. To save time it is suggested that such written statements be prepared with a view to their being copied into the record by agreement without being read by the witness or that they be submitted as verified statements, as stated in the next paragraph.

Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection. Parties offering such statements should provide 50 copies thereof as early as possible in the hearings. Verified statements may be mailed, addressed to Commissioner Aitchison, c/o Bureau of Motor Carriers, Interstate Commerce Commission, Room 166, Federal Office Building, Fulton and Leavenworth Streets, Zone 2, San Francisco, so as to reach him on or prior to the date of the hearing. Notice of objection to the receipt of any such statements should be given promptly to the Commission, and to the party offering the statement. If no such notice is given, it will be assumed that objection is waived, subject to the right of any person in any appropriate manner to raise questions as to the weight of such verified statements. Such statements should conform to the general rules of practice with respect to style, mimeographing, printing, etc. They should be limited strictly to matters of fact and contain no argument; if not so limited, they may be excluded. The Commission on its own motion or objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions involved in these proceedings, (b) is obviously incompetent or (c) is argumentative. All verified statements received in evidence will be part of the record upon which the Commission will base its decision.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-646; Filed, Jan. 27, 1949; 8:48 a. m.]

[No. 30140]

INCREASES IN FLORIDA INTRASTATE RATES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of January A. D. 1949.

It appearing, that a petition has been filed on behalf of the Atlanta & St. Andrews Bay Railway Company and other common carriers by railroad operating to, from, and between points in the State of Florida, which said petition is hereby referred to and made part hereof, averring that in Ex Parte No. 162, "Increased Railway Rates, Fares, and Charges, 1946," and Ex Parte No. 148, "Increased Railway Rates, Fares, and Charges, 1942," 264 I. C. C. 695, and 266 I. C. C. 537, the Commission authorized certain increases in rates and charges for the interstate transportation of property throughout the United States, which were established July 1, 1946 and January 1, 1947, respectively, and in Ex Parte No. 166, "Increased Freight Rates, 1947," 269 I. C. C. 33, 270 I. C. C. 81, 93, and 403, authorized certain additional increases in such interstate rates and charges, which were established October 13, 1947, January 5, 1948, May 6, 1948, and August 21, 1948, respectively; and that the Railroad Commission of the State of Florida, or its successor, the Florida Railroad and Public Utilities Commission, by report and Order No. 1443, dated March 11, 1947, and report and Order No. 1443 (Supplement), dated March 12, 1947, in its Docket No. 1538, and report and Order No. 1466 (C), dated November 13, 1948, in its Docket No. 1574, as set out in said petition, has refused to authorize or permit said petitioners to apply to the intrastate transportation of property by railroad in Florida, increases in rates and charges corresponding to those approved for interstate application in the proceedings above cited;

It further appearing, that said petitioners allege that the rates and charges which they are required to maintain for the intrastate transportation of property by railroad in Florida as a result of such refusal by the Railroad Commission of the State of Florida, or its successor, as aforesaid, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination, against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue rates and charges for the transportation of property made or imposed by authority of the State of Florida:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the said respondents or any of them, for the intrastate transportation of property, made or imposed by authority of the State of Florida, cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Florida subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Florida be notified of this proceeding by sending copies of this order and of said petition

by registered mail to the Governor of the said State and to the Florida Railroad and Public Utilities Commission, at Tallahassee Fla;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington D C. and by filing a copy with the Director Division of the Federal Register, Washington D C;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct

By the Commission, Division 1

[SEAL] W P BARTEL
Secretary

[F R Doc 49-645; Filed Jan 27 1949; 8:48 a m]

PHILIPPINE ALIEN PROPERTY ADMINISTRATION

[Bar Order 11]

S ABE ET AL

In accordance with section 34 (b) of the Trading With the Enemy Act as amended and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, April 7, 1949 is hereby fixed as the date after which the filing of debt claims in respect of any and all the debtors listed in Appendix A hereto shall be barred

Executed at Manila, P I, this 13th day of January 1949

[SEAL] WILLIAM H. HENDERSON,
Deputy Administrator

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
S. Abe, K. Akamine and others.	Japanese	Davao City	P-501
Imperial Japanese Army	do		P-502
Suzu Taira.	....do..	Piapi Bocana, Davao City.	P-503
Th. Janssen	German.	Shanghai China	P-504
Imperial Japanese Army..	Japanese		P-505
Bernhard Vierich	German.	Not known.	P-506
Matsudo....	Japanese	Davao City, Mindanao	P-507
F. Schreiber	German.		P-508
Honda, Kukimoto and Simuda..	Japanese	La Trinidad, Benguet, Mountain Province.	P-509
J. Yamamoto and others	do	Manila, Philippines	P-510
Taiwan Pulp Kogyo Kaisha, Ltd	....do..	Mandaluyong, Rizal	P-511
Gertrude Schwab.	German	Italy	P-512
Imperial Japanese Army	Japanese		P-513
Philippine Lumber Exportation Co Ltd	Corporation organized under the laws of Japan and formerly licensed to do business in the Philippines	Casiguran Quezon..	P-514
Unknown Japanese	Japanese	Davao City	P-515
Tekio Asaito Besaki Kaisha	Corporation duly organized under the laws of Japan.	do	P-516
Unknown Japanese	Japanese	Pura, Tarlac	P-517
W. Komia, alias Camia	do..	Cotabato, Cotabato..	P 518
Imperial Japanese Army	do		P 519
T. Fuji, Masaburo Fukunaga, C. Miyakita, et al.	do		P-520
Ichichi Imamoto and Way Enamoto.	do..	Cotabato, Cotabato	P-521
Imperial Japanese Navy	do		P-522
K. Yamamoto & Co.	do	Bagulo, Mountain Province	P-523
Imperial Japanese Army	do		P 524
Do	do..		P-525
Imperial Japanese Government	do		P-526
Oki Honda	do	Parang, Cotabato	P-527
Unknown Japanese	do		P 528
Tadeso Mandajuro	do	Kiangan, Mountain Province	P-529
Oji (family name unknown)	do	Piapi-Bocana, Davao City	P-530
Imperial Japanese Army	do		P-531
Shigeo Nishimoto	....do .	Not known	P-533
Emil Frederick Reppening	German.	do	P-533
Imperial Japanese Air Force	Japanese		P-534
Gerhard Schwab.	German.	Italy	I-535
Imperial Japanese Air Force	Japanese		P-536
Imperial Japanese Government	....do .		P-537
E. F. Von Hunolstein	German.	Not known	P-538
Imperial Japanese Navy	Japanese		P-539
Do	do		P-540
Ri Jun Ko alias L Sun Ko	.do	616 Uyanguren St, Davao City	P-541

APPENDIX A—Continued

Name of debtor	Nationality	Last known address	Vesting order
Japanese Association of Damortis La Union	Unregistered business enterprise doing business in the Philippines.	Damortis, La Union	P-542
Murakami	Corporation organized under the laws of the Philippines but controlled by Japanese nationals	Iloilo City Iloilo	P-543
Benji Shoji	Japanese	615 Claveria St, Int 2, Davao City.	P-544
Kawano Tero	do	Bocana, Kabacan, Davao City	P-545
PRIMCO	An entity of a designated enemy country (Japan)	Cebu City	P-546
Shozo Furukawa and Setsco Furukawa.	Japanese	Davao City	P-547
Gosaku Morimoto and Fukiyo Morimoto.	do	Dalino Davao City	P-548
Yukichi Ohtsu	do	Cotabato Cotabato	P-549
Imperial Japanese Navy	do		P-550

[F R Doc 49-686; Filed Jan 27 1949; 8:54 a m]

[Bar Order 12]

KIYO TAKESUYE (O K. BAZAR) ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876 April 7, 1949, is hereby fixed as the date after which the filing of debt claims in respect of any and all the debtors listed in Appendix A hereto shall be barred

Executed at Manila, P I. this 13th day of January 1949

[SEAL] WILLIAM H. HENDERSON,
Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Kiyo Takesuye (O. K. Bazar), et al., and Deutsch Asiatische Bank.	Japanese and a corporation organized and existing under the laws of Germany	Zamboanga City	P-551
Imperial Japanese Army	Japanese		P-552
Kibo Kato	do	Davao City.	P-553
Quintaro Yamada	do	Iligan Lanao	P-554
Kenichi Hosoda	do	Japan	P-555
Ichiro Ohta and Vicente Ylagan, et al.	do	Canlubang, Laguna.	P-556
Y. Hiramtsu	do	State Building, Manila	P-557
Tokuyo Abe	do	Quezon Boulevard Davao City	P-558
Imperial Japanese Army	do		P-559
Unknown Japanese national	do	Piapi, Santa Ana, Davao City	P-560
Unknown Japanese subject	do		P-561
Tokuhei Watanabe	do	Corner Legaspi and A. Bonifacio Sts, Davao City	P-562
Oko (FNU)	do	Sirawan, Davao City	P-563
Unknown Japanese	do	Cotabato, Cotabato	P 564
Do	do	Davao City	P-565
Yataro Ohishi	....do..	Cotabato, Cotabato	P-566
Hans Friedrich Gaiser	German	Manila	P-567
Oscar Rother	do	Germany	P 568
Estate of Carl Becker; Elisabeth Becker and children	do	39 Wagnerstr., Hamburg Bahrenfeld, Germany.	P 569
Yamaguchi, et al	Japanese	Davao City	P-570
Y. Yamura	do	Toril Davao City	I 571
Kumeji Tsukada	do	1925 Wadamura, Higashichikuma, Nagano ken Japan.	P 572
Sam Evans	Japanese (naturalized)	P. O. Box 191, Kobe, Japan	P-573
Estate of Gonjiro Kunimitsu	Japanese	Tacloban, Leyte	P-574
Zinko Hegase Ona	do	Davao City	P-575
E Fujl & Kentaro Moranaga	do	Bacolod City, Negros Occidental	P-576

APPENDIX A—Continued

Name of debtor	Nationality	Last known address	Vesting order
Murakami San	Japanese	89 Ortiz St, Iloilo City	P-577
Yoshinori Miyaki	do	Tejeros San Pedro Makati, Rizal.	P-578
S. Nakasone	do	Davao City	P-579
Cebu Japanese Consulate	do	Cebu City.	P-580
Robert Victor Achille Leleu	German	Not known	P-581
Morinobu Sawamatsu	Japanese	Quezon City	P-582
Kisaku Saito	do	2201-2203 Rizal Avenue Manila	P-583
Terachi	do	Cotabato Cotabato	P-584
Imperial Japanese Army	do		P-585
Toyo Shirt Factory Inc.; Nobue Matsumoto M. Nishino, K Ishida and Mrs Alex Hoar mann.	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals; Japanese and German.	Manila	P-586
Imperial Japanese Army	Japanese		P-587
Masatsugo Machizuki	do	A Bonifacio St Davao City	P-588
Imperial Japanese Army	do		P-589
Unknown Japanese	do	Davao City	P-590
Unknown Japanese subjects	do		P-591
Jintaro Uehara and Shizu Uehara	do	Davao City	P-592
Imperial Japanese Government	do		P-593
Dr Herman Grauert	German	55 Yamashita Cho Yokohama Japan.	P-594
Unknown Japanese; B. Kato and Takahashi and Co Inc	Japanese; Japanese concern doing business in the Philippines	Davao City	P-595
Unknown Japanese	Japanese		P-596
Masaki Kawachi alias George Kawachi.	do	Pasig Rizal	P-597
Saburo Akamino and Omito Akamino.	do	Davao City	P-598
Sakuzo Suzuki	do	Toril Davao City	P-599
Unknown Japanese Nationals	do		P-600

[F R Doc 49-687; Filed Jan 27 1949; 8:54 a m]

[Bar Order 13]

TAKIKUCHI ET AL

In accordance with section 34 (b) of the Trading With the Enemy Act as amended and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876 April 7 1949 is hereby fixed as the date after which the filing of debt claims in respect of any and all the debtors listed in Appendix A hereto shall be barred

Executed at Manila P I this 13th day of January 1949

[SEAL] WILLIAM H HENDERSON
Deputy Administrator

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Yakikuchi	Japanese	Davao City, Philippines	P-601
Y. Yamaguchi (Yoshishigi Yamaguchi).	do	Toril Davao City	P-602
Estate of Conrad Clasen	German	Canlubang, Laguna	P-603
Japanese Livestock Organization and Imperial Japanese Navy	Japanese	Batangas Batangas	P-604
Nippon Kugko Kaisya	A Japanese mining firm doing business in the Philippines	Larena Negros Oriental	P-605
Nitteitu Kogyo and Imperial Japanese Army.	Japanese	Pasuquin Ilocos Norte	P-606
Unknown Japanese	do	Sta. Cruz, Davao	P-607
Imperial Japanese Army and Navy.	do		P-608
Unknown Japanese	do	Davao City, Philippines	P-609
Digos Planters' Cooperative Association	An association composed of and organized by Japanese citizens	Digos Sta Cruz Davao	P-610
M. Ohta	Japanese	Pantukan, Davao City	P-611
Jose Umano a/k/a Shygichi Umano a/k/a S. Umano	do	G Luna St Iloilo City	P-612
Imperial Japanese Army	do		P-613

APPENDIX A—Continued

Name of debtor	Nationality	Last known address	Vesting order
Choki Yamauchi	Japanese	Calinan Davao City	P-614
Imperial Japanese Navy	do		P-615
Imperial Japanese Air Force	do		P-616
Yasimura San	do	Iloilo City Philippines	P-617
Imperial Japanese Army	do		P-618
Imperial Japanese Army or Navy	do		P-619
Kokichi Ishiwata	do	Bacolod City, Philippines	P-620
Tokuyo Abe	do	Calinan Davao City	P-621
Imperial Japanese Army	do		P-622
Imperial Japanese Navy	do		P-623
Kurusawa	do	Maa Davao City	P-624
Imperial Japanese Army	do		P-625
Kezo	do	Sta Cruz Davao	P-626
Imperial Japanese Government	do		P-627
Imperial Japanese Navy	do		P-628
Gungabu	do	do	P-629
Imperial Japanese Army	do		P-630
Do	do		P-631
Do	do		P-632
G. Kobayashi, Teizo Mori and Wolfgang Hummel.	Japanese and German.	Manila	P-633
Imperial Japanese Navy	Japanese		P-634
Unknown Japanese National	do	Sta. Cruz, Davao	P-635
Kono San	do	61 Do Leon St. Iloilo City	P-636
Kabushiki Kaisya Manila Zosensho (Manila Shipbuilding Co Inc)	A corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals	Navotas Rizal	P-637
Shogiro Agari and/or Shimabukuro	Japanese	Sta. Cruz, Davao	P-638
Japanese Lessees in Villa Abrille Juna Plantation.	do	Isum Darong Sta Cruz Davao	P-639
Abesang a/k/a Abe San	do	Lunao Samal Davao	P-640
Imperial Japanese Army	do		P-641
W. Dicke and H. Luyden	Germans	Not known	P-642
Imperial Japanese Army, Imperial Japanese Navy, instrumentalities of the Imperial Japanese Government, and unknown Japanese citizens.	Japanese		P-643
Guillerma Abarquez married to Matsuo Kanzo	do	Davao City	P-644
Imperial Japanese Navy	do		P-645
Midioguchi a/k/a Mizoguchi	do	Peñaplata, Samal Davao	P-646
Ushi Kanashiro	do	Davao City	P-647
Suga (FNU)	do	587 Legarda St., Sampaloc Manila	P-648
Imperial Japanese Army and/or Navy.	do		P-649
Tomatsu Ohaski	do	San Jose Mindoro	P-650

[F R Doc 49-688; Filed Jan 27 1949; 8:54 a m.]

[Bar Order 14]

HEIRS OF B KONO ET AL

In accordance with section 34(b) of the Trading With the Enemy Act as amended and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876 April 7, 1949 is hereby fixed as the date after which the filing of debt claims in respect of any and all the debtors listed in Appendix A hereto shall be barred

Executed at Manila, P I, this 13th day of January 1949

[SEAL] WILLIAM H. HENDERSON
Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Heirs of B. Kono	Japanese	Japan	P-651
Tamashiro and/or Matsuyama	do	Marapangi Davao City	P-652
Ju San, a/k/a Rojojan Uyehara	do	Iloilo City, Philippines	P-653

APPENDIX A—Continued

Name of debtor	Nationality	Last known address	Vesting order
Unknown Japanese	Japanese	Davao City	P-664
Imperial Japanese Navy	do	.....	P-665
Unknown Japanese	do	Bacolod City	P-666
Imperial Japanese Army	do		P-667
Imperial Japanese Navy	do		P-668
Imperial Japanese Army	do	....	P-669
Unknown Japanese	do	Dumaguete, Negros Oriental	P-660
Kiro Sento	do	Matina Biao, Davao City.	P-661
Yokio Kitahara	do	Paracale, Camarines Norte	P-662
Unknown Japanese Nationals	do	Iloilo City, Philippines	P-663
Imperial Japanese Army and/or Navy.	do		P-664
Imperial Japanese Army	do	....	P-665
Saito Jintaro	do	Davao City, Philippines	P-666
Imperial Japanese Navy	do		P-667
Imperial Japanese Army	do	....	P-668
Showa Nosan Company	Corporation organized under the laws of Japan	Del Carmen, Pampanga	P-669
Imperial Japanese Army and Navy.	Japanese		P-670
Imperial Japanese Army and/or Navy.	do		P-671
Imperial Japanese Navy	do		P-672
Imperial Japanese Army	do		P-673
Unknown Japanese	do		P-674
H. F. Christiansen	German.		P-675
Imperial Japanese Army and/or Navy.	Japanese		P-676
Imperial Japanese Army	do		P-677
Do	do		P-678
Yoshizo Matsumoto Kumataro Nietsuma Kichijiro Yoshioka Susumo Kishi Motoji Yoshikawa Chiyokichi Hiranabe Kiyuta Takanami Tsurumatsu Nagamine Kenkichi Yukioka Yomekichi Hashiguchi	Japanese		P-679
Y. Mori and Sabina Pandoy	do	Santa Cruz, Davao.	P-680
Idi Tai	do	Balliloe, Davao City	P-681
Otto Bartels and/or Orcie Bartels	Germans	....	P-682
Takahashi	Japanese	Cotabato, Cotabato	P-683
Imperial Japanese Navy	do	.....	I-684
Tonio Nakamura	do	Japan.	I-685
Unknown Japanese	do	Nanyo, Tagum, Davao	P-686
Nomura	do	San Jose, Antique	P-687
Yochiko Saito Yoon et al	do	Catalunan Pequeno, Davao City.	P-688
Yochinuzuko Kagatsume	do	Tagaepan, Davao City	P-689
T. Okubo and Atchi Okeyama	do	Pendasan, Pantukan, Davao	P-690
Estate of R. M. Bergmann	German.	Manila	P-691
Imperial Japanese Navy	Japanese	.....	P-692
S Kanegae, A. Kimura, Y Merokuma, and T Uewake.	do	Manila	P-693
Fumio Mihara Chokuyama and Merlo.	do	Calinan Davao City	P-694
Imperial Japanese Army	do	....	P-695
Unknown Japanese	do	Lupon, Davao	P-696
Imperial Japanese Navy	do	....	P-697
Kyujiro Nakanishi	do	Sun Life Assurance Co. Present Address: c/o Daiken Co., Ltd., Box 959, Tokyo, Japan	P-698
Chosen Yara	do	Catigan, Davao City	P-699
Imperial Japanese Navy	do		P-700

[F R Doc 49-689; Filed, Jan 27, 1949; 8:54 a m]

[Bar Order 15]

DENTUKO MIYAHIRA ET AL

In accordance with section 34 (b) of the Trading With the Enemy Act as amended and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818 and Executive Order 9876 April 7 1949 is hereby fixed as the date after which the filing of debt claims in respect of any and all the debtors listed in Appendix A hereto shall be barred

Executed at Manila P I this 13th day of January 1949

[SEAL] WILLIAM H HENDERSON,
Deputy Administrator

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Dentuko Miyahira	Japanese	Gulanga Davao City	P-701
Imperial Japanese Navy	do	....	P-702
Toyomoto	do	Wangan Davao City	P-703
Imperial Japanese Navy	do	.....	P-704
Japanese Consulate (Davao)	do	Davao City	P-705
Itsuro Kawamura	do	c/o Mrs. Sugayo Kawamura 24 Sakainotani, Naka ku Yokohama, Japan	P-706
Imperial Japanese Army	do	....	P-707
R. Fumada, et al	do	Paracale, Camarines Norte	P-708
Unknown Japanese	do	Davao City	P-709
Zempo Arakaki	do	Tagaepan Davao City	P-710
N. Hagashi	do	Ferguson Road, Bagulo City.	P-711
Yamamoto	do	Davao City	P-712
Unknown Japanese	do	Mandog, Davao City	P-713
Iko Kochi	do	Tagaepan, Davao City	P-714
Yasuyuki Kanashiro	do	do	P-715
Imperial Japanese Army	do	.....	P-716
H. Kyomoto	do	Davao City	P-717
Acakichi Tautaya, et al	do	Dallaon, Davao City	P-718
Terutchi Honda	do	Tagaepan Davao City	P-719
Imperial Japanese Army	do	.....	P-720
M. Hori	do	Davao City	P-721
Toku Higa	do	Tagaepan, Davao City	P-722
Yushida	do	La Trinidad, Benguet, Mountain Province.	P-723
Kameoka	do	....do	P-724
Kotaro Takuma	do	Dallaon, Davao City	P-725
Imperial Japanese Navy	do	....	I-726
Katchije Yanyoko	do	Gulanga, Davao City	P 727
Hotcutaro Kawachima	do	Penablanca, Cagayan	P 728
Imperial Japanese Navy	do	....	P 729
Matcu Arakaki	do	Gulanga, Davao City	P 730
Imperial Japanese Navy	do	....	P 731
M. Fenada & Toribia Lesbanes	do	Luzuriaga, Negros Oriental	P 732
Tokio Mizobata, et al	do	Gulanga Davao City	P 733
Toyama Kyuko	do	Bayabas, Davao City	I 734
Ohta	do	Davao City.	P 735
Tankara	do	Capiz, Capiz	P 736
Imperial Japanese Navy	do	....	P 737
Kantaro Uetsugi	do	Gulangi Davao City	I 738
Imperial Japanese Navy	do	.....	P 739
Francisco Kiguchi	do	Bagulo City	I 740
Imperial Japanese Army	do		P 741
Do	do		P 742
Do	do		P 743
Do	do	....	I 744
Oshiro	do	Tagum, Davao	P 745
Tasaku Sato, et al	do	81 Ferguson Road Guisad Bagulo City	P-746
Imperial Japanese Army	do	....	P 747
Maria F. Maruyama et al	do	Davao City	I 748
Kiko Koyama	do	do	P 749
Imperial Japanese Army	do		P 750

[F R Doc 49-690; Filed, Jan 27, 1949; 8:55 a m]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–111, 59–12]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

ORDER RECONVENING HEARING IN PROCEEDINGS DIRECTING THAT CAUSE BE SHOWN WHY ORDER APPROVING PLAN SHOULD NOT BE VACATED, AND SETTING FOR HEARING CERTAIN MOTIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of January A. D. 1949.

In the matter of American & Foreign Power Company, Inc., Electric Bond and Share Company, File No. 54–111, Electric Bond and Share Company, American & Foreign Power Company, Inc., et al., respondents; File No. 59–12.

The Commission having instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Electric Bond and Share Company ("Bond and Share") and American & Foreign Power Company, Inc. ("Foreign Power") (File No. 59–12), and Foreign Power and Bond and Share having filed a joint plan and amendments thereto under section 11 (e) of the Holding Company Act (File No. 54–111) which proceedings were consolidated with the aforesaid section 11 (b) (2) proceedings; and

The Commission having by order dated November 19, 1947, approved the Amended Plan of Foreign Power, an application having thereafter been made by the Commission to the District Court of the United States for the District of Maine, Southern Division, to enforce said Amended Plan, and the said Court having by order dated and entered October 11, 1948, approved said Amended Plan and directed that it be carried out; and

Circumstances having thereafter arisen from which it appeared to the Commission that consummation of the necessary financing within the framework of the Amended Plan as theretofore approved by the Commission and the Court was not then feasible and the Commission by motion dated December 16, 1948 having requested that the Court vacate its order of approval of said Amended Plan and remand the proceedings to the Commission for such further action as might be appropriate; and the said District Court having by Order dated January 4, 1949 vacated its order approving the Amended Plan on the ground that the necessary financing within the framework of the Amended Plan was not then feasible and remanded the case to the Commission for such further action as may be appropriate; and

It appearing appropriate that the Commission hold hearings to consider (1) whether the Commission should enter an order vacating its order dated November 19, 1947 approving the Amended Plan and (2) whether an order should issue under section 11 (b) (2) of the act directing Foreign Power to take appropriate steps to bring its security structure into conformity with the standards of section 11 (b) (2) of the act;

It is ordered, That the hearings in these consolidated proceedings be reconvened on March 1, 1949 at 10 o'clock a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on said date by the Hearing Room Clerk in Room 101, for the purpose of requiring the parties in interest and other participants to show cause why the order approving the Amended Plan of reorganization of Foreign Power should not be vacated; for the purpose of determining whether an order should be issued pursuant to section 11 (b) (2) of the Public Utility Holding Company Act directing the recapitalization or other corporate simplification of Foreign Power and containing appropriate provisions with respect thereto; and for the other purposes hereinafter ordered.

Certain holders of the $7 second preferred stock of Foreign Power, describing themselves as the "Norman Johnson Group" having filed on January 10, 1949, a petition and motion requesting that the Commission issue its order herein suspending and impounding interest payments on $30,000,000 principal amount of 3% Serial Notes of Foreign Power to Bond and Share and suspending and impounding payments of interest by Cuban Electric Company to Bond and Share, and particularly requesting that such action be taken immediately with respect to the quarterly interest payment on the $30,000,000 principal amount of 3% Serial Notes of Foreign Power due January 22, 1949; and

A petition having been filed on January 18, 1949, by C. Shelby Carter, et al., as a Committee for the holders of the $7 and $6 first preferred stocks of Foreign Power requesting that the Commission issue an order requiring (1) the deferment of all further interest payments on Bond and Share's holdings of Foreign Power Serial Notes until the preferred stock dividend payment due on December 15, 1948, is made and all subsequent dividend payments on Foreign Power's first preferred stocks are on a current basis; (2) requiring Bond and Share to deliver to Foreign Power the $19,500,000 principal amount of Cuban Electric debentures presently held by it; and (3) requiring the impounding of the payment of any interest or principal on the $19,500,000 principal amount of Cuban Electric debentures pending determination of the motion; and

The Commission having given consideration to the aforesaid petition, filed by the Norman Johnson Group and the Carter Committee with respect to the suspension of interest payments, and the Commission having after such consideration, concluded that such petitions should be given consideration at the hearing, but that in view of all the circumstances, and particularly that Bond and Share is a registered holding company subject to the jurisdiction of this Commission, and has an interest in Foreign Power sufficient to permit appropriate adjustment in the event that it subsequently appears that any amounts may have been improperly paid to or received by Bond and Share from Foreign Power or its subsidiaries, it is not necessary or appropriate that interim relief be given prior to January 22, 1949, with respect to the interest payment payable on said date;

It is further ordered, That the said petitions and motions of the Norman Johnson Group and the Carter Committee, be and the same hereby are denied insofar as they request action prior to January 22, 1949 suspending or impounding interest payments due on that date, without prejudice, however, to such consideration of the subject matter of said petitions and motions hereafter and the taking of such action as may be appropriate, including such equitable compensation or adjustment as may be necessary or appropriate in the participation of Bond and Share under any plan for recapitalization or corporate simplification of Foreign Power;

It is further ordered, That in all other respects said petitions and motions of the Norman Johnson Group and the Carter Committee be and are hereby set for hearing and will be considered at the reconvened hearing hereinbefore ordered.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing in such matter. The officer so designated to preside at any such reconvened hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That notice of this reconvened hearing shall be given to Foreign Power and to Bond and Share, and to all other persons who have appeared in this proceeding or in the aforesaid proceedings in the District Court of the United States for the District of Maine, and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard who is not already a party or participant in these proceedings, shall on or before February 18, 1949, file herein his application in accordance with Rule XVII of the Commission's rules of practice, and that any party or participant desiring to file any further petitions, motions or other papers, or any answer to petitions or motions heretofore filed, for consideration at said hearing, shall do so on or before February 18, 1949; *Provided, however,* That as to petitions or motions filed after February 13, 1949, answers may be filed by any participant within five days of service thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-647; Filed, Jan. 27, 1949; 8:48 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

NOTICE OF FILING AND ORDER FOR HEARING AND FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of January 1949.

Notice is hereby given that Niagara Hudson Power Corporation ("Niagara Hudson") a registered holding company, and a subsidiary of The United Corporation, also a registered holding company, has filed an application for approval of a plan ("Dissolution Plan") under section 11 (e) of the Public Utility Holding Company Act of 1935, providing for the dissolution of Niagara Hudson, and submitted for the stated purpose of enabling Niagara Hudson to comply with section 11 (b) of the act (File No. 54-172)

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed. There are summarized below certain aspects of the prior proceedings concerning Niagara Hudson and its subsidiaries together with the Dissolution Plan:

The Commission by order dated October 4, 1945, approved a plan filed by Niagara Hudson and its subsidiary, Buffalo, Niagara and Eastern Power Corporation, providing, among other things, for the disposition by Niagara Hudson, within one year from November 1, 1945, of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation (File No. 54-106, 54-107, 59-52) The time for compliance with that order has been extended to May 1, 1949, by subsequent orders of the Commission.

There is presently pending before the Commission a plan filed by Niagara Hudson under section 11 (e) of the act ("Consolidation Plan") providing for the consolidation of its three principal subsidiaries, namely, Buffalo Niagara Electric Corporation, Central New York Power Corporation and New York Power & Light Corporation, into a single electric and gas operating company ("new operating company") (File No. 54-170) Under the provisions of the Consolidation Plan all of the long-term debt and liabilities of the three consolidating companies would be assumed by the new operating company, the outstanding shares of preferred stocks of the three consolidating companies would be exchanged for shares of preferred stock of the new operating company, and the common stock of the new operating company would be received by Niagara Hudson in exchange for its present holdings of all the common stocks of the consolidating corporations. Hearings were held on the Consolidation Plan and have been continued subject to the call of the hearing officer.

The Dissolution Plan now proposed by Niagara Hudson is expressly conditioned upon prior consummation of the pending Consolidation Plan, and upon specified findings to be made and other action to be taken by the Commission and an appropriate District Court of the United States.

Niagara Hudson's outstanding securities at December 1, 1948, were as follows:

Notes payable to banks (due 1948-1950)	$22,870,000.00
First preferred stock, 5% Series, $100 par value, 378,875 shares	37,837,500.00
Second preferred stock, 5% Series A, $100 par value, 90,231 shares	9,023,100.00
Second preferred stock, 5% Series B, $100 par value, 15,649 shares	1,564,900.00
Common stock, $1 par value, 9,580,988½ shares	9,580,988.50

In addition to the above securities Niagara Hudson has outstanding Class B stock option warrants entitling the holders thereof to purchase 497,191/16ths shares of common stock at $50 for 1/16th shares at any time without limit.

Pursuant to the terms of the Dissolution Plan, the charter of the new operating company would be amended to reclassify its common stock to be outstanding after consummation of the Consolidation Plan into 1,939,220 shares of Class A stock and 7,473,172 shares of common stock, each without par value. Subject to the prior rights of the new operating company preferred stock, the shares of Class A stock would have preference as to, and be limited to, cumulative dividends of $1.20 per share per annum, and no dividends would be payable and no other distribution would be made on the common stock unless all dividends on Class A stock have been paid or set aside for the current, and all past, quarterly dividend periods. Each share of the Class A stock would be convertible at the option of the holder into 1 1/16th shares of common stock of the new operating company during the first three years following the effective date of the plan and into 1 share of common stock during the succeeding three years, after which six-year period the conversion privilege would terminate. Upon termination of the initial three year conversion privilege, the Class A stock would thereafter be redeemable at the option of the new operating company as a whole or in part, at any time, or from time to time, at $26.875 per share plus accrued dividends to the redemption date.

Under the terms of the Dissolution Plan, all the outstanding preferred stock of Niagara Hudson would be exchanged for shares of Class A stock of the new operating company in the ratio of 4 shares of Class A stock for each share of the preferred stock of Niagara Hudson. The shares of Class A stock to which holders of preferred stock of Niagara Hudson become entitled would be surrendered to the new operating company if unclaimed by such preference stockholders at the expiration of ten years from the effective date of the Dissolution Plan.

The Dissolution Plan provides that following the effective date thereof, Niagara Hudson would offer to exchange common stock of the new operating company for common stock of Niagara Hudson upon the basis of .78 shares of common stock of the new operating company for one share of Niagara Hudson common stock plus a ratable amount of cash per share of Niagara Hudson common necessary to pay off the bank loan of Niagara Hudson outstanding at the effective date of the Dissolution Plan. It is estimated that, as of February 1, 1949, such cash amount would be approximately $2 per share. The exchange offer would remain open for a period of six months from the effective date of the Dissolution Plan. Cash received in the exchanges would be applied to the payment of the unpaid principal of Niagara Hudson's bank loan.

The Dissolution Plan further provides that subject to further approval by the Commission and upon adequate notice to common stockholders, Niagara Hudson would dispose of all its interest in the common stock of the new operating company not distributed pursuant to the exchange offer in an appropriate manner not more than two years after the effective date of the Dissolution Plan unless such period is extended by the Commission. When the bank loan has been paid, Niagara Hudson would distribute the remaining shares of common stock of the new operating company, pro rata, to the holders of common stock of Niagara Hudson and thereafter would dissolve.

Under the terms of the Dissolution Plan, no dividends would be declared or paid on the common stock of Niagara Hudson until the bank loan has been paid.

Holders of common stock of Niagara Hudson or of Class A stock of the new operating company, upon being entitled under the Dissolution Plan to receive fractions of a share of common stock of the new operating company, would receive in lieu thereof transferable scrip, exchangeable free of charge for full shares of common stock of the new operating company, but only when presented in amounts aggregating one or more full shares on or before June 30, 1955. Thereafter any shares represented by outstanding scrip certificates would be sold and the proceeds thereof held without accountability for interest for the account of the holders of the scrip certificates for a further period of two years, after which all unsurrendered scrip certificates would become void.

The Dissolution Plan states that no provision is made, or is contemplated to be made, by Niagara Hudson in respect to the outstanding Class B stock option warrants which are deemed by Niagara Hudson to be without present or reasonably potential value and that all rights of such warrant holders would cease and terminate as of the effective date of the Dissolution Plan.

Prior to the effective date of the Dissolution Plan, Niagara Hudson would cause all of its investments except common stock of the new operating company to be transferred to the new operating company.

The Dissolution Plan provides that Niagara Hudson would pay such fees and remuneration for services rendered and make such reimbursement for proper costs incurred in connection with the plan and the proceedings relating thereto as the Commission shall finally deter-

mine, award, allow or allocate upon petition of any interested person.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find, after notice and opportunity for hearing, that the plan, as submitted or as amended, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby; and

It appearing appropriate that notice be given and that a hearing be held with respect to the Dissolution Plan, and that said plan shall not become effective except pursuant to further order of the Commission; and

It further appearing to the Commission that the matters involved in the pending proceeding on the Consolidation Plan (File No. 54-170) are related to the matters to be considered in the proceeding with respect to the Dissolution Plan (File No. 54-172) and there are common questions of law and fact in the two proceedings which would make it desirable that evidence in each matter stand as evidence in the other for all purposes:

It is ordered, That the proceeding with respect to the Consolidation Plan (File No. 54-170) and the proceeding with respect to the Dissolution Plan (File No. 54-172) be, and the same hereby are, consolidated without prejudice, however, to the Commission's right upon its own motion, or the motion of any interested party, to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters included in these proceedings, or to consolidate with these proceedings other filings or matters pertaining thereto, or to take such other action as may appear necessary to an orderly, prompt, and economical disposition of the issues and matters involved.

It is further ordered, That a hearing in the consolidated proceedings under the applicable provisions of the act and rules thereunder be held on March 1, 1949, at 10 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101. In the event that amendments to such plans are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in these proceedings or otherwise specifically request such notice. Any person desiring to be heard in connection with the consolidated proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before February 25, 1949, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in the consolidated proceedings. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the applications and that, upon the basis thereof, the following matters and questions are presented for consideration, in addition to those matters and questions set forth in the Commission's notice of filing and order for hearing dated June 7, 1948 (Holding Company Act Release No. 8246) with respect to the Consolidation Plan, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the Dissolution Plan as submitted by Niagara Hudson, or as it may be amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

(2) Whether the proposed issuance of Class A stock is necessary or appropriate to the economical and efficient operation of the business of the new operating company, whether such Class A stock would be reasonably adapted to the security structure and earning power of the new operating company, and whether the terms and conditions of its issue and sale would be detrimental to the public interest or the interest of investors or consumers.

(3) Whether, in the light of the proposals contained in the Dissolution Plan, the distribution of securities to the security holders (particularly to the holders of the preferred stocks) of Buffalo Niagara Electric Corporation, Central New York Power Corporation and New York Power & Light Corporation provided for in the Consolidation Plan, is fair and equitable.

(4) Whether the proposed distributions in respect of the outstanding stocks of Niagara Hudson and the proposed cancellation, without compensation, of the outstanding option warrants of Niagara Hudson are fair and equitable to the holders of such securities.

(5) Whether the distribution to and the acquisition by The United Corporation and The United Gas Improvement Company of securities of the new operating company satisfies the applicable requirements of the act, and what, if any, terms and conditions should be imposed in respect thereto.

(6) Whether the fees, expenses and other remuneration which may be claimed in connection with the consolidated proceedings are for necessary services and are reasonable in amount.

(7) Whether the accounting entries proposed to be made in connection with the transactions proposed in the consolidated proceedings are adequate and proper and in conformity with sound accounting principles and meet the applicable standards of the act.

(8) Whether the transactions proposed in connection with the Dissolution Plan comply with all the requirements of the applicable provisions of the act and rules thereunder.

(9) Whether and to what extent the Dissolution Plan should be modified and terms and conditions imposed to assure adequate protection of the public interest and the interest of investors and consumers and to prevent the circumvention of the provisions of the act and rules thereunder.

(10) Whether the Dissolution Plan, as submitted or as modified, or a plan proposed by the Commission, or any plan filed by any person having a bona fide interest in the reorganization, should be approved by the Commission for the purpose of section 11 (d) and, if proposed by the Commission or a person having a bona fide interest, what the terms and provisions of such plan should be.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions in addition to the issues and questions set forth in the Commission's order of June 7, 1948.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Niagara Hudson Power Corporation, Buffalo Niagara Electric Corporation, Central New York Power Corporation, New York Power & Light Corporation, The United Corporation, The United Gas Improvement Company, and the Public Service Commission of the State of New York, and that notice be given to all other persons by general release of the Commission distributed to the press and mailed to the mailing list for releases issued pursuant to the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Niagara Hudson Power Corporation give notice of this hearing to all holders of its preferred stocks, common stock and Class B stock option warrants and to all holders of the preferred stocks of Buffalo Niagara Electric Corporation, Central New York Power Corporation and New York Power & Light Corporation (in so far as the identity of such security holders is known and available to Niagara Hudson) by mailing a copy of the Dissolution Plan and a copy of this notice and order at least 20 days prior to March 1, 1949, the date of said hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-648; Filed, Jan. 27, 1949; 8:48 a. m.]

[File Nos. 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING OF AN AMENDMENT TO PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 19th day of January A. D. 1949.

In the matter of Electric Bond and Share Company, American Power & Light Company, File No. 54-168; Electric

Bond and Share Company, American Power & Light Company, et al., File No. 59–12.

I. Notice is hereby given that on January 3, 1949, American Power & Light Company ("American") a registered holding company, and its parent company, Electric Bond and Share Company ("Bond and Share") also a registered holding company, filed an amendment to its plan dated April 7, 1948 filed under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") The plan provides for the distribution of American's assets among its security holders, the reclassification of American's stocks, and for the compromise and settlement of various claims as between American and certain of its subsidiaries and Bond and Share and its wholly owned subsidiaries. The plan as filed did not contain a proposed allocation of American's assets among the company's security holders. The amendment proposes the allocation and distribution of American's assets among its security holders on the basis of approximately 82% of such assets to American's $6 and $5 preferred stockholders and approximately 18% of such assets to American's common stockholders.

In the Commission's notice of filing and order for hearing of April 23, 1948 with respect to said plan (Holding Company Act Release No. 8157) the procedure to be followed in considering the plan was outlined as follows:

It is proposed that after completion of the direct and cross examination of the executives of American's subsidiaries who, in the proceeding before the Commission relating to the plan, are to testify as to the properties and earnings of the respective subsidiaries, American and Bond and Share will endeavor to agree on the specific percentage allocations to the common stock and preferred stocks. If they so agree, the plan will be amended jointly by American and Bond and Share to provide for specific allocations to each class of security holders on the agreed basis.

In accordance with the Commission's order and the procedure provided for therein, hearings have been held from time to time upon the plan dated April 7, 1948, and the direct and cross-examination of the executives of American's subsidiaries as to the properties and earnings of such subsidiaries has been substantially completed.

The amendment does not modify the plan in any material respect, except that, as indicated above, it specifically proposes that American's $6 and $5 preferred stocks be allocated, directly or indirectly, approximately 82% of American's assets, and that American's common stock be allocated, directly or indirectly, approximately 18% of American's assets. The proposed percentages of participation as between the $6 and $5 preferred stocks result in approximate ratios of 6 for each share of $6 preferred stock to 5.05 for each share of $5 preferred stock.

All interested persons are referred to said amendment and to the plan dated April 7, 1948 which are on file in the offices of the Commission for a complete statement of the transactions proposed therein. For the purpose of convenience of presentation, the provisions of the plan dated April 7, 1948, as amended by said amendment filed January 3, 1949, are summarized as follows:

II. 1. *Distribution to holders of $6 preferred stock.* On and after the effective date the holder of a certificate for shares of $6 preferred stock will, upon surrender of the certificate to a Distribution Agent, be entitled to receive as a distribution in partial liquidation, in respect of each share of $6 preferred stock represented by said certificate:

(a) 1.059 shares of common stock of Florida Power & Light Company;
(b) 0.228 of a share of common stock of Kansas Gas and Electric Company;
(c) 0.278 of a share of common stock of Minnesota Power & Light Company;
(d) 1.255 shares of common stock of The Montana Power Company;
(e) 2.028 shares of common stock of Texas Utilities Company; and
(f) Cash at the rate of $6 per annum for the period from and including the last quarterly $6 preferred stock dividend payment date prior to the effective date to but not including the effective date.

In addition to the above securities each $6 preferred stockholder will be entitled to receive reclassified common stock of American, representing certain other assets of the company as specified in paragraph 4 hereof, and, under certain circumstances described in paragraph 5 hereof, may receive common stock of The Washington Water Power Company.

Fractional interests in shares of common stock of the above-mentioned companies to which the holder is entitled, in addition to any whole shares, on the basis above set forth are to be dealt with as described in paragraph 7 hereof.

2. *Distribution to holders of $5 preferred stock.* On and after the effective date the holder of a certificate for shares of $5 preferred stock will, upon surrender of the certificate to the Distribution Agent, be entitled to receive as a distribution in partial liquidation, in respect of each share of $5 preferred stock represented by said certificate:

(a) 0.892 of a share of common stock of Florida Power & Light Company;
(b) 0.191 of a share of common stock of Kansas Gas and Electric Company;
(c) 0.235 of a share of common stock of Minnesota Power & Light Company;
(d) 1.057 shares of common stock of The Montana Power Company;
(e) 1.707 shares of common stock of Texas Utilities Company; and
(f) Cash at the rate of $5 per annum for the period from and including the last quarterly $5 preferred stock dividend payment date prior to the effective date to but not including the effective date.

In addition to the above securities each $5 preferred stockholder will be entitled to receive reclassified common stock of American, representing certain other assets of the company as specified in paragraph 4 hereof, and, under certain circumstances described in paragraph 5 hereof, may receive common stock of The Washington Water Power Company.

Fractional interests in shares of common stock of the above-mentioned companies to which the holder is entitled, in addition to any whole shares, on the basis above set forth are to be dealt with as described in paragraph 7 hereof.

3. *Distribution to holders of American's common stock.* On and after the effective date the holder of a certificate for shares of American's present common stock, will, upon surrender of the certificate to the Distribution Agent, be entitled to receive as a distribution in partial liquidation, in respect of each share of common stock represented by said certificate:

(a) 0.125 of a share of common stock of Florida Power & Light Company;
(b) 0.027 of a share of common stock of Kansas Gas and Electric Company;
(c) 0.033 of a share of common stock of Minnesota Power & Light Company;
(d) 0.148 of a share of common stock of The Montana Power Company; and
(e) 0.239 of a share of common stock of Texas Utilities Company.

In addition to the above securities each common stockholder will be entitled to receive reclassified common stock of American, representing certain other assets of the company as specified in paragraph 4 hereof, and under certain circumstances described in paragraph 5 hereof, may receive common stock of the Washington Water Power Company.

Fractional interests in shares of common stock of the above-mentioned companies to which the holder is entitled, in addition to any whole shares, on the basis above set forth are to be dealt with as described in paragraph 7 hereof.

4. *Reclassification of American's stocks and distribution of such reclassified stock.* On the effective date, American's present stocks, representing its holdings of common stocks of the Washington Water Power Company and Pacific Power & Light Company and additional assets other than those to be distributed as hereinbefore set forth, will be reclassified into a single class of new capital stock, without par value, as follows:

American will be authorized to issue 2,342,411 shares of new capital stock in place of American's present stocks and of its presently outstanding scrip. Each share of such new capital stock will have the same rights as every other share of such new capital stock.

Each share of $6 preferred stock will be reclassified into 1.163 shares of the new capital stock.

Each share of $5 preferred stock will be reclassified into 1 share of the new capital stock.

Each share of American's present common stock will be reclassified into 0.14 of a share of the new capital stock.

Each share of the new capital stock will be entitled to one vote.

On the effective date the authorized capital of American will be reduced to $67,000,000.

Fractional interests in shares of the reclassified stock will be dealt with in the same manner as is described in paragraph 7 hereof with respect to fractional interests in shares of common stocks to be distributed.

5. *Provision for amendment to provide for distribution of common stock of the Washington Water Power Company and for American's dissolution.* In the event that the proposed contribution by American to the Washington Water Power Company of the common stock of Pacific Power & Light Company should be approved by the Washington Department of Public Utilities and this Commission, prior to approval of the amended

plan, it is provided that the amended plan may be modified to include common stock of the Washington Water Power Company among the assets of American to be distributed directly to American's stockholders as set out in paragraphs 1, 2, and 3 hereof and in approximately the same proportion as such assets.

In such event the plan would be further amended to provide for the winding up and dissolution of American.

6. *Dividends.* Dividends declared on the distributable common stocks and on the reclassified capital stock of American payable to holders on record dates on or after the effective date of the plan but prior to distribution of such stocks will be payable to the stockholders of American to whom such distributable common and reclassified capital stocks are allocated under the plan (after surrender of their certificates for American's present stocks) There will be deducted from such dividends on distributable common stocks that portion of American's Federal income taxes, if any, payable by American or the Distribution Agent on account of the receipt of such dividends by the Distribution Agent.

7. *Fractional interests.* No certificates for fractional shares of distributable common stocks will be issued in respect of fractional interests. If a surrendering holder entitled to a fractional interest does not give instructions to the Distribution Agent to purchase an additional fractional interest sufficient to entitle him to one additional share, the Distribution Agent will sell for the holder's account the remaining fractional interest to which the holder is entitled.

No certificates for fractional shares of American's new capital stock will be issued in respect of fractional interests. In lieu thereof, these fractional interests will be dealt with in the same manner as is provided above with respect to fractional interests in shares of distributable common stocks.

8. *Time limitations.* Under the plan, shares of the present stock of American must be surrendered within two years from the effective date of the plan in order to entitle the surrendering holder to shares of distributable common stocks or the right to purchase additional shares of distributable common stocks by reason of fractional interests. Upon the expiration of two years from the effective date, the Distribution Agent will sell all of the remaining shares of distributable common stocks and hold the proceeds (less Federal income taxes, if any, payable by American or the Distribution Agent on account of such sales) for payment of such net proceeds to holders of certificates of the present stocks of American who surrender such shares within five years from the effective date of the plan. Upon expiration of five years following the effective date, the holders of certificates for shares, or scrip for shares, of the present stock of American which have not theretofore been surrendered to the Distribution Agent shall cease to have any right to receive any distribution or payment under the plan and the net proceeds from the sale of distributable common stocks will be delivered to American; *Provided,* That if American shall theretofore have been dissolved, then such cash will be delivered to the person or persons appointed to administer American's affairs in dissolution. Shares of the new capital stock of American for which certificates of the present stock of American have not been surrendered within five years will be cancelled.

9. *Amendment of American's Certificate of Organization and By-Laws.* The provisions of American's Certificate of Organization and By-Laws will be amended in the manner provided in the Revised Statutes of Maine, Chapter 49, Section 73, as amended by the Public Laws of 1945, to conform to the plan and to provide for simplification and reduction of American's powers, for cumulative voting of its new capital stock and for limited preemptive rights to the holders of such stock. The amendments will also provide that the consideration received by American from the issuance and sale of any additional shares of new capital stock without par value shall be entered in the capital stock account of American.

10. *Disposition by American of its interest in Portland Gas & Coke Company.* Within one year after consummation of a recapitalization plan under section 11 of the act for Portland Gas & Coke Company (unless the Commission shall extend such time) American will, in such manner as the Commission may permit, dispose of its interest in Portland Gas & Coke Company.

11. *Disposition of securities by Bond and Share.* Within one year after the effective date (unless the Commission shall extend such time) Bond and Share will sell, distribute, or otherwise dispose of, in such manner as the Commission may permit, (a) all certificates for shares of American's present stock owned by Bond and Share which Bond and Share will not have surrendered under the plan to the Distribution Agent, and (b) all of the shares of distributable common stocks and of the new capital stock of American delivered or deliverable to Bond and Share in respect of the certificates for shares of American's present stock which Bond and Share shall have surrendered under the plan to the Distribution Agent.

12. *Payment of fees and expenses.* The payment of expenses incurred by American in connection with the plan or proceedings with respect to the plan will be subject to the approval of the Commission. American will also pay such allowances for fees and expenses incurred in connection with the plan or proceedings with respect to the plan as the Commission may approve: *Provided,* That, if American seeks judicial review of any such allowance so approved, the obligation to make such payment will be subject to the determination made in the review proceeding.

13. *Interlocking Directors and Officers.* Subject to the exceptions set forth below, there will be no member of the Board of Directors and no officer of a present subsidiary of American who, on the fifth day after the effective date, will be a member of the Board of Directors or an officer of any other of the present subsidiaries of American. The exceptions above referred to are that any person may be a member of the Board of Directors and/or an officer of (a) Texas Utilities Company and subsidiaries thereof, or (b) The Washington Water Power Company, Pacific Power & Light Company, Washington Irrigation & Development Company and The Limestone Company, or (c) Minnesota Power & Light Company and subsidiaries thereof, or (d) Florida Power & Light Company and Utilities Land Company.

14. *Claims settlement.* The plan proposes the compromise, settlement and discharge of any and all claims as between Bond and Share, its wholly-owned subsidiaries, American, and certain present and former subsidiaries of American, and as between their various security holders, as such, through a capital contribution by Bond and Share to American of $2,500,000 in cash. Thereupon American will make capital contributions to certain of its subsidiaries in the amounts enumerated in the plan. The plan also petitions, in the event the plan is approved, that the Commission approve the payment of not exceeding $194,135 by American to certain plaintiffs, their attorneys, and their accountants, for the full settlement and satisfaction of claims on account of services rendered in connection with claims proposed to be compromised and settled as described above. Applicants request that such subsidiaries be made parties to these proceedings in order that they may be bound by the proposed claims settlement.

15. *Court enforcement and effective date.* The Commission is requested in the event it approves the plan to apply to an appropriate district court of the United States for its enforcement. The "effective date" of the plan will be a date as soon as practicable following the entry by a United States District Court of an order approving and enforcing the plan and will be specifically fixed in a written notice delivered by American to this Commission.

16. *Withdrawal or amendment of plan.* In case either of the following events should occur before the effective date, namely:

(a) The sale by American of, or agreement by American to sell, its interest in, or holdings of common stock of, The Washington Water Power Company and/or Pacific Power & Light Company to outside interests; or

(b) A statutory change effecting an increase in the amounts of future Federal taxes payable by American or its subsidiaries, including the imposition of additional taxes measured by income, which change substantially affects the net earnings of American or its subsidiaries;

then, if either party to the plan, as amended, shall have promptly notified the other that in its opinion, on account of the occurrence of such event, adjustments to make the plan fair and equitable to the persons affected thereby should be made in the allocations to American's stocks which are set forth in this plan and the parties thereto shall not have agreed on such adjustments, either party may file its own proposed amended plan which shall be identical with the present plan except that it shall reflect the adjustments that party considers appropriate and contain such other formal changes as are necessary

because the other party has not joined in that amended plan.

Until the plan is approved by the Commission, the plan may be withdrawn or modified or amended in any respect or particular. However, except as provided above, no amendment or withdrawal of the plan, or of the plan as theretofore amended, shall be effective without the consent and agreement of both parties to the amended plan.

Except in the event of the happening of one or both of the above mentioned contingencies it is stated that after the plan is approved by the Commission and before it is approved by the Court, the plan may be withdrawn or modified or amended in any respect or particular with the approval of the Commission. It is further stated that after the plan is approved by the Court and before the plan has been consummated, the plan may be withdrawn or modified or amended in any respect or particular with the approval of both the Commission and the Court.

Upon the giving of ten days written notice to the Commission the manner and method of carrying out the plan may be changed. The plan provides that no such change is to be construed as an amendment to the plan if thereafter the carrying out of the plan will result in the consummation of the substance of the transactions contemplated by the plan in its present form.

The plan states that its consummation is subject to the receipt from the United States Treasury Department of a closing agreement or ruling as to the tax consequences to American, to the holders of its stocks, and to Bond and Share of the transactions necessary to carry out the plan, which agreement or ruling shall be satisfactory to American and to Bond and Share.

Bond and Share and American request that any order of the Commission approving the plan recite that the relevant transactions of the plan are necessary or appropriate to the integration or simplification of the holding company system of which American and Bond and Share are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

The carrying out of the plan is subject to the reservation that consummation of the provisions relating to the settlement and discharge of claims, as may be approved by order of this Commission and the decree of the Court, will, in the opinion of counsel for Bond and Share and American, have the effect of settling and discharging the various claims and counterclaims as provided in the plan.

While application for approval of the plan is pending or while the plan is being carried out, American reserves the right to dispose of any securities or other assets, or take any other action, in a manner consistent with the provisions of the plan and other applicable provisions of law.

III. The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and it appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that the hearing in this proceeding be reconvened with respect to the amendment filed by American and Bond and Share to afford all interested persons an opportunity to be heard with respect thereto:

It is ordered, That the hearings in the proceeding be reconvened on February 17, 1949, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such reconvened hearing consideration will be given to the plan, as amended, and to what action should be taken by American to meet the provisions of the Commission's order directing the dissolution of American.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing in such matter. The officer so designated to preside at any such reconvened hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the plan, as amended and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby, and is in conformity with the requirements of the Commission's order of August 22, 1942.

2. Whether the distributions to the holders of American's $5 and $6 preferred stocks and common stock proposed in the plan, as amended, are fair and equitable or whether such proposed distributions should be modified in any manner.

3. Whether the acquisitions and security issues proposed in the plan and incident thereto meet the requirements of the applicable provisions of the act, particularly sections 7, 10 and 12 thereof, or whether it is necessary to impose any terms and conditions with respect to said proposed acquisitions and security issues.

4. Whether the amounts proposed to be paid by Bond and Share to American and by American to its subsidiaries by way of compromise and settlement of the claims described in the plan are fair and reasonable, and whether in all other respects the treatment of the interests of Bond and Share, as compared with those of other security holders, is fair and equitable.

5. Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles giving particular consideration to (a) the recorded values to be assigned to investments in the subsidiaries to be retained by American and (b) to the amount and type of securities proposed to be authorized as capital of the reorganized company.

6. Whether the Commission should approve the amount of the proposed payments to be made by American to the plaintiffs or their attorneys or their accountants in the legal proceedings specifically enumerated in the plan by way of reimbursement of disbursements or allowances for legal, accounting, or other services.

7. Whether the plan should include a provision for listing on a national securities exchange or exchanges of the securities to be distributed, or any of them.

8. Whether the provision of the plan relating to interlocking directors and officers should be approved.

9. Whether the provisions of the plan relating to reservation of the right to withdraw or amend subsequent to Commission and/or Court approval meet the standards of the act.

10. Whether the plan as submitted, and amended, or any modification thereof approved or required by the Commission, should be approved pursuant to the provisions of section 11 (d) of the act, so as to permit the Commission of its own motion, and irrespective of any request therefor on the part of American or Bond and Share, to apply to a court for the enforcement of such plan or plans pursuant to the provisions of section 11 (d).

11. Generally whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the Rules thereunder, and whether any modification should be required to be made therein, and whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That notice of this reconvened hearing be given by registered mail to Bond and Share, American, Florida Power & Light Company, Kansas Gas and Electric Company, Minnesota Power & Light Company, Superior Water, Light and Power Company, The Montana Power Company, Pacific Power & Light Company, Portland Gas & Coke Company, Texas Utilities Company, Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company, Washington Irrigation & Development Company, The Washington Water Power Company, to all persons previously granted intervention or participation in the proceedings herein, and to the attorneys of record in the court proceedings specifically enumerated in the plan involving claims of the kind sought to be compromised, settled, and discharged by said plan; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases

under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Florida Power & Light Company, The Montana Power Company, Pacific Power & Light Company, Portland Gas & Coke Company Texas Electric Service Company, Texas Power & Light Company, and The Washington Water Power Company be made parties to this proceeding for the purposes reqested by the applicants as described in paragraph 14, part II hereof.

It is further ordered, That this Commission's order of April 23, 1948 herein be continued in full force and effect.

It is further ordered, That American shall give notice of this reconvened hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order at least 15 days prior to the date set for for the reconvened hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-649; Filed, Jan. 27, 1949; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12670]

MINA BENDER

In re: Bank account and other property owned by the personal representatives, heirs, next of kin, legatees and distributees of Mina Bender, deceased. F-28-24893-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mina Bender, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Mina Bender, deceased, by D. Moreau Barringer, 1528 Walnut Street, Philadelphia 2, Pennsylvania, in the amount of $157.66, as of December 13, 1948, presently on deposit in an account maintained in the name of D. Moreau Barringer, with the Tradesmens National Bank and Trust Company, Philadelphia 7, Pennsylvania, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Two (2) United States Defense Savings Bonds, Series G, of $100 and $500 maturity value, bearing the numbers C-1727633 and D-839475, respectively, presently in the custody of The Tradesmens National Bank and Trust Company, Philadelphia 7, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Mina Bender, deceased, the aforesaid nationals of a designated enemy country (Germany) and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mina Bender, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-674; Filed, Jan. 27, 1949; 8:52 a. m.]

[Vesting Order 12678]

KAORU KOJO

In re: Debt owing to Kaoru Kojo, also known as Kojo Kaoru. D-39-6737.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaoru Kojo, also known as Kojo Kaoru, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Kaoru Kojo, also known as Kojo Kaoru, by Montgomery Ward & Co., Incorporated, Chicago, Illinois, in the amount of $30.76, as of February 28, 1946, and any and all accruals thereto, evidenced by a check numbered CF272978 issued by said Montgomery Ward & Co., Incorporated, Chicago, Illinois, drawn on The First National Bank of Chicago, Chicago, Illinois, in the amount of $30.76, said check representing a refund for orders cancelled, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-675; Filed, Jan. 27, 1949; 8:52 a. m.]

[Vesting Order 5049, Amdt.]

LOUIS J. EGDORF

In re: Estate of Louis J. Egdorf, deceased. File No. D-28-8511, E. T. sec. 10033.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, Vesting Order 5049, dated June 27, 1945, is hereby amended to read as follows:

It is hereby found:

1. That Fred Egdorf (also known as Johann Karl Friedrich Egdorf, and Friedrich Karl Johann Egdorf), Albert Carl Fritz Egdorf, and Gustav Adolf Knodel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the issue, names unknown of Fred Egdorf (also known as Johann Karl Friedrich Egdorf and Friedrich Karl Johann Egdorf), and the domiciliary personal representatives, next of kin,

heirs at law, legatees and distributees, names unknown, of Erna Minna Friedrike Knodel, nee Egdorf, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Louis J. Egdorf, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Clerk of Circuit Court of Grant County, Indiana, and/or J. J. Coleman, Fairmont, Indiana, Administrator, acting under the judicial supervision of the Circuit Court of Grant County, Indiana,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and that the issue, names unknown, of Fred Egdorf (also known as Johann Karl Friedrich Egdorf and Friedrich Karl Johann Egdorf) and the domiciliary personal representatives, next of kin, heirs at law, legatees and distributees, names unknown, of Erna Minna Friederike Knodel, nee Egdorf, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein and in said Vesting Order 5049 shall have and had the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-676; Filed, Jan. 27, 1949; 8:53 a. m.]

[Return Order 206]

LE MOULIN LEGUMES, S. A.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Le Moulin Legumes, S. A., Bagnolet (Seine) France, 9278 and 10220; October 22, 1948 (13 F. R. 6222); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,921,936; 2,054,038; 2,051,095; 2,070,137; 2,074,794; 2,074,795; 2,184,719; 2,222,927 and 2,271,175. All interests and rights created in Mantelet et Boucher (Societe en nom Collectif), to the extent owned by Mantelet and Boucher immediately prior to the vesting thereof by Vesting Order No. 3928 (9 F. R. 9680, August 9, 1944) by virtue of an agreement dated January 4, 1934, and March 6, 1934 (including all modifications thereof and supplements thereto) by and between Mantelet et Boucher and Foley Manufacturing Company relating, among other things, to United States Letters Patent No. 1,921,936; including royalties in the amount of $12,659.77. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-677; Filed, Jan. 27, 1949; 8:53 a. m.]

[Return Order 250]

DR. PAUL TENTLER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dr. Paul Tentler, Montevideo, Uruguay, Claim No. 3357; December 11, 1948 (13 F. R. 7698); $412.59 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-678; Filed, Jan. 27, 1949; 8:53 a. m.]

[Return Order 251]

STEPHEN STRASSMAIR

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Stephen Strassmair, Yonkers, New York, Claim No. 5310, December 17, 1948 (13 F. R. 7812); $1,287.89 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-679; Filed, Jan. 27, 1949; 8:53 a. m.]

MAX REICH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Max Reich, London, England, 32369; $200.45 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Max Reich in and to the trust created under the will of Herman Jacobowitz, deceased.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-680; Filed, Jan. 27, 1949; 8:53 a. m.]

ALFRED THORSINGS MUSIKFORLAG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alfred Thorsings Musikforlag, Copenhagen, Denmark; 6490; Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments dated November 5, 1936 and December 2, 1938 in the United States Copyright Office (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $690.93.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-681; Filed, Jan. 27, 1949; 8:54 a. m.]

VERNER EGGERT JORGENSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Verner Eggert Jorgensen, a/k/a Verner Eggert Jorgenson, Copenhagen, Denmark; 35040; $2,609.85 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Verner Eggert Jorgenson in and to the Trust Estate created under the terms of the Last Will and Testament of Christian Egert Jorgenson, deceased, for the benefit of Elena Dorothea Jorgenson.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-682; Filed, Jan. 27, 1949; 8:54 a. m.]

LEO RYOTARO IKEDA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leo Ryotaro Ikeda, Palo Alto, California, 8542; $3,205.65 in the Treasury of the United States.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-683; Filed, Jan. 27, 1949; 8:54 a. m.]

FORTUNATO DA CONTURBIA AND CLAIR DA CONTURBIA PATTERSON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fortunato da Conturbia, Clair da Conturbia Patterson, Milan, Italy, 39545, and 39546 (consolidated); $12,758.21 in the Treasury of the United States: $6,379.13 returnable to Fortunato da Conturbia; $6,379.08 returnable to Clair da Conturbia Patterson. All right, title, interest and claim of claimants in and to the trust estate created under the will of Elizabeth Pangiris, deceased.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-684; Filed, Jan. 27, 1949; 8:54 a. m.]

MARCEL CASSE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marcel Casse, Essonnes (Seine-et-Oise), France, 35527; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,755,349; 1,873,285; 1,891,344; 2,006,260; 2,038,643; 2,093,709 and 2,161,017; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Application Ser. No. 251,638, filed January 18, 1939, and all right, title, and interest of the Attorney General of the United States in and to Patent Application Ser. No. 516,692, filed January 3, 1944; property described in Vesting Order No. 1601 (8 F. R. 8566, June 22, 1943), relating to the whole of the first and a one-half part of the second of the following two disclosures:

TC No., Inventor, Invention and Date of Execution

TC-427, Marcel Casse, Machines for the Wet Treatment of Textile Materials or the Like. April 7, 1942.

TC-492, Henri Fousse and Marcel Casse, Machine for Splitting and Depilating Hides and Skins. September 28, 1942.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-685; Filed, Jan. 27, 1949; 8:54 a. m.]